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federal register

THURSDAY, JUNE 17, 1976

highlights

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reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Title 3—The President

Executive Order 11922 • June 16, 1976

Amending Executive Order No. 11077 of January 22, 1963,[1] Entitled "Administration of the Migration and Refugee Assistance Act of 1962"

By virtue of the authority vested in me by the Migration and Refugee Assistance Act of 1962, as amended (Chapter 36 of Title 22 of the United States Code), and section 301 of title 3 of the United States Code, and as President of the United States of America, Section 1 of Executive Order No. 11077 of January 22, 1963, is hereby amended by adding thereto the following:

"(d) Funds appropriated or otherwise made available to the President for the United States Emergency Refugee and Migration Assistance Fund established by Section 2(c) of the act (22 U.S.C. 2601) shall be deemed to be allocated without further action of the President to the Secretary of State, and the Secretary may allocate or transfer, as appropriate, such funds to any agency, or part thereof, for obligation or expenditure consistent with the provisions of this order, the act, and other applicable law: *Provided,* That such funds may not be transferred, obligated, or expended until the President shall have made the determinations provided for in Section 2(c)(1) of the act, which determinations are reserved to the President, and the designations and determinations provided for in Section 2(b)(2) of the act.".

Gerald R. Ford

THE WHITE HOUSE,
June 16, 1976.

[FR Doc.76-17932 Filed 6-16-76;12:02 pm]

[1] 28 FR 629; 3 CFR, 1959-1963 Comp., p. 698.

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Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS AND MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 29—TOBACCO INSPECTION

Allocation of Tobacco Inspection Service; Eligibility for Price Support; Adoption

Notice was published in the April 26, 1976, issue of the FEDERAL REGISTER (17396) that the Department is considering the further amendment of its regulations (published at 39 FR 17753, 39 FR 20066, 39 FR 30975, 39 FR 32975, 40 FR 24173, 40 FR 30917 and 40 FR 31591) relating to tobacco inspection and price support services with regard to flue-cured tobacco by amending Subpart G—Policy Statement and Regulations Governing Availability of Tobacco Inspection and Price Support Services to Flue-cured Tobacco on Designated Markets (7 CFR Part 29). The amendment clarifies the rules regarding the obligation of a warehouse to comply with the opening date and selling schedule issued by the Secretary. The aforesaid policy statement and regulation are statements of agency policy and rules and regulations issued pursuant to the authority of the Tobacco Inspection Act (49 Stat. 731, 7 U.S.C. 511 et seq.), the Agricultural Act of 1949, as amended (63 Stat. 1051, 7 U.S.C. 1421 et seq.) and the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, 7 U.S.C. 714 et seq.).

Statement of Consideration. As a result of the administration of the flue-cured tobacco "producer-designation" program during the 1975 crop year, it has come to the attention of the Department that its regulations regarding compliance with its opening date and selling schedules might be ambiguous. Previously, section 9406 of the regulations (7 CFR 29.-9406) provided that if a warehouse exceeds its scheduled sales opportunity it shall have two sales days to come back into compliance and that if it does not "* * * no tobacco inspection or price support services shall be made available at such warehouse on the next succeeding sales day." This provision of the regulations has been interpreted by at least one warehouse to mean that a warehouse would only lose one day of sales opportunity without regard to the amount by which it exceeded its scheduled sales opportunity.

In order to clarify the regulations, section 9406 is amended to provide specifically that:

(1) Any warehouse, which exceeds its scheduled sales opportunity must be back in compliance at the end of the second succeeding sales day or it shall lose tobacco inspection and price support services on the third succeeding sales day; and

(2) As a result of overselling, the sales schedule will be adjusted to reflect a reduction in sales opportunity to that warehouse. If after receiving this adjusted schedule, said warehouse oversells again, only one sales day will be allowed for it to come into compliance. Therefore, if said warehouse does not comply, it will be denied tobacco inspection and price support services on the second succeeding sales day.

This was the intent of the regulation, as previously issued and is necessary in order to guarantee the integrity of the sales schedule issued by the Secretary.

Interested persons desiring to submit written data, views, or arguments in connection with the proposal were given until May 26, 1976, to do so. No comments were received. After consideration of all relevant facts, the proposed amendments to the regulations are hereby adopted.

Therefore, the regulations are amended as follows:

1. Revise § 29.9406(b) as set forth below:

§ 29.9406 Failure of warehouse to comply with opening date and selling schedule.

* * * * *

(b) Except as provided in paragraph (c) of this section, if on any sales day during the marketing season a warehouse exceeds its scheduled sales opportunity for designated, undesignated, or resale tobacco, it must be back in compliance at the end of the second succeeding sales day or it shall lose tobacco inspection and price support services on the third succeeding sales day. For the fourth sales day following the violation, an adjusted schedule will be issued that warehouse reflecting a reduction in its sales opportunity due to overselling. If said warehouse oversells the sales opportunity provided by the adjusted schedule it must come into compliance on the next sales day and if it fails to do so it will lose tobacco inspection and price support services on the next succeeding sales day. During the closeout period, if a warehouse sells tobacco in excess of that allowed by the selling schedule on either of the last two sales days of the marketing season, then such excess sales shall be deducted from its scheduled sales opportunity on the first, or more, sales days of the next marketing season. Any such adjustment which is within 100 pounds of the required deduction shall be considered as in compliance with this section.

* * * * *

Dated: June 11, 1976.

Effective date: July 19, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-17613 Filed 6-16-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange Regulation 74, Amendment 8; Grapefruit Regulation 76, Amendment 8]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Amendment of Size and Grade Regulations

Amendment 8 to Regulation 74 lowers the minimum grade requirements applicable to domestic and export shipments of Florida Valencia oranges to U.S. No. 1 Golden during the period June 14 through 27, 1976. On June 28, 1976, the amendment lowers the minimum grade requirement applicable to domestic and export shipments of such oranges to U.S. No. 2 Russet. Amendment 8 to Regulation 76 lowers the minimum size requirement applicable to domestic shipments of all seeded grapefruit to $3\frac{1}{16}$ inches in diameter on June 11, 1976. The specification of such lower minimum grade requirements for Florida Valencia oranges and size requirement for seeded grapefruit is necessary to satisfy the demand for such fruit. The amended regulations recognize the quality of much of such oranges and grapefruit remaining for fresh shipment from the production area.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the requirements applicable to Valencia oranges and all seeded grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) These amendments reflect the Department's appraisal of the current and prospective demand for Florida Valencia

oranges and seeded grapefruit by fresh market outlets. The lower minimum grade requirements specified for domestic and export shipments of Valencia oranges reflect the decline in the external appearance of such oranges as the season progresses. Fresh shipments of Florida oranges for the season through June 6, 1976, totaled 18,122 carlots. The lower minimum size requirement specified for shipments of seeded grapefruit is consistent with the size composition of such grapefruit during the period of seasonally reduced supply. For the season through June 6, 1976, fresh shipments of Florida grapefruit totaled 37,588 carlots.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of these amendments until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the Act is insufficient; and these amendments lower requirements applicable to the handling of Valencia oranges and seeded grapefruit grown in Florida.

Order. 1. The provisions of paragraph (a)(9) and paragraph (b)(9) of § 905.560 (Orange Regulation 74; 40 FR 42318, 49785, 54420, 58446; 41 FR 3282, 12215, 15829, 18673) are amended to read as follows:

§ 905.560 Orange Regulation 74.

(a) * * *

(9) Any Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That during the period June 14 through June 27, 1976, such oranges may be shipped if they grade at least U.S. No. 1 Golden; and *Provided further,* That during the period June 28 through September 26, 1976, such oranges may be shipped if they grade at least U.S. No. 2 Russet; and

* * * * *

(b) * * *

(9) Any Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That during the period June 14 through June 27, 1976, such oranges may be shipped if they grade at least U.S. No. 1 Golden; and *Provided further,* That during the period June 28 through September 26, 1976, such oranges may be shipped if they grade at least U.S. No. 2 Russet; and

* * * * *

2. The provisions of paragraph (a)(2) of § 905.563 (Grapefruit Regulation 76; 40 FR 42317, 49785, 54420, 58446; 41 FR 15829, 18673, 19965, 23184) are amended to read as follows:

§ 905.563 Grapefruit Regulation 76.

(a) * * *

(2) Any seeded grapefruit, grown in the production area, which are of a size smaller than $3\frac{1}{16}$ inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum diameter shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, June 11, 1976, to become effective June 11, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-17699 Filed 6-16-76;8:45 am]

[Valencia Orange Regulation 532]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period June 18–24, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.832 Valencia Orange Regulation 532.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to improve. Prices f.o.b. for the week ending June 10 were $3.40 a carton on 385 cars as compared with $3.23 per carton on 249 cars during the prior week. Track and rolling supplies at 180 cars were up 19 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 15, 1976.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 18, 1976, through June 24, 1976, are hereby fixed as follows:

(i) District 1: 292,000 cartons;

(ii) District 2: 358,000 cartons;

(iii) District 3: Unlimited."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: June 16, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–17927 Filed 6–16–76;11:25 am]

[Plum Regulation 5, Amendment 2]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Container and Pack Requirements

This amendment, effective during the period June 17 through August 1, 1976, would (1) exempt master containers of consumer packages of plums and individual consumer packages of plums shipped therein from the requirements of "standard pack" as specified in the United States Standards for Grades of Fresh Plums and Prunes, (2) require that the name "plums" appear on the container or package in addition to the varietal name, (3) require each bulk bin container of plums to contain at least 400 pounds, net weight, and to show the name and address of the shipper and the specific net weight, and (4) require each master container of consumer packages of plums and each such individual consumer package of plums to show the net weight of the fruit therein. This amendment is necessary to provide standardized packing practices and more informative labeling that will facilitate more orderly marketing of fresh California plums and contribute to more effective operations under said marketing agreement and order.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917; 41 FR 17528), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the requirements applicable to shipments of plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This amendment reflects the Department's appraisal of the need for regulation in the interest of consumers and the industry. Fresh shipments of plums from the production area are now in progress. The container and pack requirements provided herein are designed to prevent the handling of fresh plums, grown in the production area, which do not comply with such requirements so as to provide consumers and the trade with clear and conspicuous labeling of all fresh plum containers, which containers shall have been properly packed.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the date when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective date; the containers and pack of fresh California plums are currently regulated by Plum Regulation 5 (§ 917.419; 35 FR 7064; 40 FR 20064), and good cause exists for making the provisions hereof effective on the date hereinafter set forth. Adequate information pertaining thereto was not available to the Plum Commodity Committee until April 30, 1976, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, plum container and pack regulation. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and suping the period specified herein were promptly submitted to the Department after such meeting was held; necessary supplemental information was received on May 24, 1976. Initial shipments of the 1976 crop of such plums are currently underway; this regulation should be applicable to shipments of plums during the period hereinafter set forth in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such plums; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

The provisions of Plum Regulation 5 (§ 917.419; 35 FR 7064; 40 FR 20064) are amended by revising paragraph (a) and subparagraphs (1), (3), and (5) thereof and adding new subparagraphs (6) and (7) to read as follows:

§ 917.419 Plum Regulation 5.

(a) *Order.* During the period June 17, 1976, through August 1, 1976, no handler shall ship any package or container of any variety of plums except in accordance with the following terms and conditions:

(1) Such plums, when shipped in closed packages or containers, except master containers of consumer packages and individual consumer packages therein, shall conform to the requirements of standard pack:

* * * * *

(3) Each package or container of plums shall bear on one outside end, in plain sight and in plain letters, the name "plums" and the name of the variety if known or, when the variety is not known, the words "unknown variety";

* * * * *

(5) Each package or container of loose-fill, loose-pack, or tight-fill plums (not packed in rows) other than bulk bin containers, master containers of consumer packages, and individual consumer packages in master containers shall bear on one outside end, in plain sight and in plain letters, the words "28 pounds net weight."

(6) Each bulk bin container of loose-filled or loose-packed plums shall contain not less than 400 pounds, net weight, and bear on one outside panel, in plain sight and in plain letters, the following information:

(i) The name and address (including zip code) of the shipper.

(ii) The net weight.

(7) Each master container of consumer packages of plums and each individual consumer package of plums shall bear, in plain sight and plain letters, the net weight of the contents.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, June 11, 1976, to become effective June 17, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–17698 Filed 6–16–76;8:45 am]

[Grapefruit Regulation 16 Amendment 6]

PART 944—FRUITS; IMPORT REGULATIONS

Minimum Size Requirement for Imports of Seeded Grapefruit

This amendment lowers the minimum diameter requirement applicable to imported seeded grapefruit to 3$^{9}/_{16}$ inches on June 11, 1976. This requirement is the same as that applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

This amendment is consistent with Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This section requires that whenever specified commodities, including grapefruit, are regulated under a federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality or maturity requirements as those in effect for the domestically produced commodity. This amendment fixes the same minimum size requirement on imported seeded grapefruit as is effective under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling

of oranges, grapefruit, tangerines, and tangelos grown in Florida.

Order. In § 944.112 (Grapefruit Regulation 16; 40 FR 42529, 49787; 41 FR 15829, 18674, 19965, 23186) the provisions of paragraph (a) are amended to read as follows:

§ 944.112 Grapefruit Regulation 16.

(a) * * *

(1) Seeded grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than 3 9/16 inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum size shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit;

(2) Seedless grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than 3 9/16 inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum size shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) this amendment fixes the same requirement for imports of seeded grapefruit as is applicable under amended Grapefruit Regulation 76 (§ 905.563) to the shipment of seeded grapefruit grown in Florida; and (c) this amendment lowers the minimum size requirement applicable to imported seeded grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, June 11, 1976, to become effective June 11, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–17697 Filed 6–16–76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I— FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 67–SW–68; Amdt. 39–2642]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 47 Series Helicopters

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–983 (35 FR 7006), AD 70–10–8, as amended by Amendment 39–1063 (35 FR 12834) to additionally require external cleaning and inspection of the tail rotor blades, P/N 47–642–102, at intervals of 25 hours' time in service for Bell Model 47 series helicopters was published in 41 FR 15868. The agency also proposed to require replacement of a blade with any nick of indentation in the blade trailing edge from station 5.0 to 8.0.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Two letters were received from operators objecting to the proposal. These two letters noted that AD 70–10–8 as presently written is adequate, and the proposal is not justified.

The agency has considered these two letters and has responded to each letter. The proposal will be adopted without change for the reasons noted in the preamble to the notice published in 41 FR 15868.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–983 (35 FR 7006), AD 70–10–8, as amended by Amendment 39–1063 (35 FR 12834) is further amended by adding the following new paragraphs at the end thereof:

(l) Within 25 hours' time in service after July 20, 1976, and, thereafter, at intervals not to exceed 25 hours' time in service from the last inspection, accomplish the following:

(1) Clean the blades' external surfaces of any visible residue.

(2) Inspect the blades trailing edge between Blade Station 5.0 and 8.0 for cracks, permanent deformation, and any nick or indentation, using a 10-power or higher magnifying glass.

(3) Inspect for cracks and permanent deformation in the tail rotor grips in the area between Blade Station 2.7 and 3.7 and at the areas surrounding the rivets that attach the blade skin to the grip, using a 10-power or higher magnifying glass.

(4) If cracks, permanent deformation, any nicks or indentations are found, replace the tail rotor blades before further flight.

(m) This AD is not applicable to Bell Model 47 series helicopters equipped with P/N 47–642–117 tail rotor blades.

This amendment becomes effective July 20, 1976.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Texas, on June 4, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76–17640 Filed 6–16–76;8:45 am]

[Airworthiness Docket No. 76–WE–7–AD; Amdt. 39–2645]

PART 39—AIRWORTHINESS DIRECTIVES

Rockwell International Models NA265–70 and NA265–80 Airplanes

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on May 20, 1976, and made effective immediately as to all known United States operators of Rockwell International Model NA265–70 airplanes, serial numbers 370–1 through 370–9, and Model NA265–80 airplanes, serial numbers 380–1 through 380–42 and 380–44. The directive requires a limitation of the maximum operating speed of: 250 KIAS/0.8M and a static balance of rudder within 60 days. The latter constitutes terminating action and removes the speed limitation.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Rockwell International Model NA 265–70 airplanes, serial numbers 370–1 through 370–9, and Model NA265–80 airplanes, serial numbers 380–1 through 380–42 and 380–44, by individual airmail letters dated May 21, 1976. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to Section 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

ROCKWELL INTERNATIONAL. Applies to Model NA–265–70 airplanes, serial numbers 370–1 through 370–9, and Model NA–265–80 airplanes, serial numbers 380–1 through 380–42 and 380–44.

Compliance required as indicated, unless already accomplished.

To prevent possible in flight flutter due to improper static balance of the rudder, accomplish the following:

(A) Immediately upon receipt of this AD, notify the flight crewmembers by the most practicable means, of the maximum operating limit speed: 250K/0.8M.

(B) Within the next 10 hours' time in service after receipt of this AD, effect the following operating limitations and install the following placards and markings in clear view of the pilots:

(1) Install a placard adjacent to each airspeed indicator that reads:

"MAXIMUM OPERATING LIMIT SPEED: 250K/0.8M"

(2) Mark the face of each airspeed indicator with a red radial line at 250 knots.

(C) Within 60 days after receipt of this AD accomplish the following:

(1) Remove the rudder from the airplane and measure the rudder's static unbalance about the hinge line using a balance measuring procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region, and

(2) If the static unbalance measured exceeds the limits of 0 to 5 inch-lbs leading edge heavy, before further flight adjust the static balance to be within these limits by a modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Note: Rockwell International intends to issue Sabreliner Service Bulletin No. 17 to provide the necessary instructions on rebalance.

(D) The operating limitations, placards, and markings required by paragraph (B) may be removed after accomplishment of paragraph (C).

(E) The airplane may be flown in accordance with FAR 21.197 to a base where the placards and markings required by paragraph (B) can be installed or the balance inspection and rebalance procedure of paragraph (C) can be accomplished, provided the operating limitations of paragraph (B) are not exceeded.

This amendment is effective June 23, 1976 for all persons except those to whom it was made effective by airmail letter dated May 21, 1976, which contained this amendment.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on June 8, 1976.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.76-17636 Filed 6-16-76;8:45 am]

[Airspace Docket No. 76-EA-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 17403 of the FEDERAL REGISTER for April 26, 1976, the Federal Aviation Administration published a proposed rule which would alter the Charlottesville, Va., Control Zone (41 FR 367) and Transition Area (41 FR 467).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. September 9, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348], and sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Jamaica, N.Y., on June 4, 1976.

L. J. CARDINALI,
Acting Director,
Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Charlottesville, Va. Control Zone as follows: Delete, "and within 2.5 miles each side of the 022° bearing from the Charlottesville RBN, extending from the 5-mile radius zone to 2 miles north of the RBN." and insert the following in lieu thereof: "and within 2.5 miles each side of the Charlottesville-Albermarle Airport ILS localizer southwest course, extending from the 5-mile radius zone to 2.5 miles northeast of the Charlottesville, Va. RBN."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Charlottesville, Va. Transition Area as follows: Delete, "and within 3 miles each side of the 202° bearing from the Charlottesville RBN, extending from the 13-mile radius arc to 8.5 miles south of the RBN," and insert the following in lieu thereof: "and within 4.5 miles each side of the Charlottesville-Albermarle Airport ILS localizer southwest course, extending from the 13-mile radius arc to 11 miles southwest of the Charlottesville, Va. RBN."

[FR Doc.76-17628 Filed 6-16-76;8:45 am]

[Airspace Docket No. 76-SO-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area; Correction

FR Doc. 76-11280 appearing at page 16794 in the FEDERAL REGISTER of April 22, 1976, is corrected by adding the following to the description of the Fort Stewart, Ga., control zone description:

This control zone is effective from 0700 to 2300 hours, local time, daily.

Issued in East Point, Ga., on June 7, 1976.

LONNIE D. PARRISH,
Acting Director,
Southern Region.

[FR Doc.76-17633 Filed 6-16-76;8:45 am]

[Airspace Docket No. 76-SW-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Walnut Ridge, Ark.

On April 22, 1976, a notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 16828) stating the Federal Aviation Administration proposed to alter the transition area at Walnut Ridge, Ark.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 9, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the Walnut Ridge, Ark., transition area is amended to read:

WALNUT RIDGE, ARK.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Walnut Ridge Regional Airport (latitude 36°07'30" N., longitude 90°55'25" W.); within three miles each side of the Walnut Ridge VORTAC 244° radial, extending from the 6.5-mile-radius area to 8.5 miles southwest of the VORTAC; within 3.5 miles each side of the 005° bearing from the proposed RBN (latitude 36°07'36" N., longitude 90°55'36" W.), extending from the 6.5-mile-radius area to 12 miles north of the RBN; and within a 5-mile radius of the Pocahontas Municipal Airport (latitude 36°14'40" N., longitude 90°56'45" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Forth Worth, Tex., on June 4, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-17638 Filed 6-16-76;8:45 am]

[Airspace Docket No. 76-SO-42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On April 26, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 17402), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Rockingham, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 9, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the Rockingham, N.C., transition area is amended as follows:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Rockingham-Hamlet Airport (lat. 34°53'30" N., long. 79°45'35" W.); within 3 miles each side of the 126° bearing from the Roscoe RBN (lat. 34°51'09" N., long. 79°41'38" W.), extending from the 6.5-mile radius to 8.5 miles southeast of the RBN.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on June 8, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-17630 Filed 6-16-76;8:45 am]

[Airspace Docket No. 76-EA-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Hershey, Pa., Transition Area (41 FR 510).

A new VOR Rwy 8 instrument approach procedure developed for Hershey Airpark, Hershey, Pa., requires alteration of the transition area so as to change the transition area designation from part time to full time. The Harrisburg, Pa., and the Annville, Pa., full time transition area overlap the Hershey, Pa., part time transition area so that only a very small portion of the Hershey, Pa., Transition Area airspace is, in fact, part

time. Since the amendment is minor in nature, notice and public procedure are unnecessary.

In consideration, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t. July 22, 1976, as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Hershey, Pa. Transition Area as follows:

Delete, "excluding that portion that coincides with the Harrisburg, Pa. transition area. This transition area shall be effective from sunrise to sunset, daily."

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Jamaica, N.Y., on June 4, 1976.

L. J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.76-17629 Filed 6-16-76;8:45 am]

[Airspace Docket No. 76-EA-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

On page 17401 of the FEDERAL REGISTER for April 26, 1976, the Federal Aviation Administration published a proposed rule which would alter the Millville, N.J., Transition Area (41 FR 546).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. July 29, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348], and sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Jamaica, N.Y., on June 4, 1976.

L. J. CARDINALI,
Acting Director,
Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by amending the description of the Millville, New Jersey Transition Area by deleting, "to point of beginning" and by inserting the following in lieu thereof, "to point of beginning and within 4.5 miles south and 6.5 miles north of the Millville, N.J. VORTAC 257° radial and 077° radial, extending from 5.5 miles west of the VORTAC to 11.5 miles east of the VORTAC."

[FR Doc.76-17627 Filed 6-16-76;8:45 am]

[Airspace Docket No. 76-EA-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Designation of Transition Area

On page 17401 of the FEDERAL REGISTER for April 26, 1976, the Federal Aviation Administration published a proposed rule which would designate a Cross Keys, N.J., Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. July 29, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348], and sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Jamaica, N.Y., on June 4, 1976.

L. J. CARDINALI,
Acting Director,
Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Cross Keys, New Jersey transition area as follows:

CROSS KEYS, N.J.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 39°42'09"N., 75°01'48"W., of Cross Keys Airport, Cross Keys, New Jersey and within 2 miles each side of the Woodstown, N.J., VORTAC 071° radial, extending from the 5-mile radius to 9 miles east of the Woodstown, N.J. VORTAC.

[FR Doc.76-17624 Filed 6-16-76;8:45 am]

[Airspace Docket No. 76-EA-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Designation of Transition Area

On page 17402 of the FEDERAL REGISTER for April 26, 1976, the Federal Aviation Administration published a proposed rule which would designate a Leonardtown, Md., Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. August 12, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348], and sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Jamaica, N.Y., on June 4, 1976.

L. J. CARDINALI,
Acting Director,
Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Leonardtown, Md. transition area as follows:

LEONARDTOWN, MD.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 38°18'56" N., 76°33'06" W. of St. Marys County Airport, Leonardtown, Md. excluding that portion which coincides with the Patuxent River, Md. NAS transition area.

[FR Doc.76-17625 Filed 6-16-76;8:45 am]

[Airspace Docket No. 76-EA-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Designation of Transition Area

On page 17403 of the FEDERAL REGISTER for April 26, 1976, the Federal Aviation Administration published a proposed rule which would designate a Brockport, N.Y., Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. July 29, 1976, except as follows:

1. Delete the last sentence of the description of the transition area.

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348], and sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Jamaica, N.Y., on June 4, 1976.

L. J. CARDINALI,
Acting Director,
Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Brockport, New York Transition Area as follows:

BROCKPORT, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 43°10'53" N., 77°54'55" W. of Ledgedale Airpark, Brockport, New York.

[FR Doc.76-17626 Filed 6-16-76;8:45 am]

[Airspace Docket No. 76-SW-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regula-

tions is to designate a transition area at Lamesa, Tex.

On April 22, 1976, a notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 16829) stating the Federal Aviation Administration proposed to designate a transition area at Lamesa, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 9, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the following transition area is added:

LAMESA, TEX.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Lamesa, Tex., Municipal Airport (latitude 32°45'00", longitude 101°-55'00").

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Fort Worth, Tex., on June 4, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-17639 Filed 6-16-76;8:45 am]

[Airspace Docket No. 76-SW-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a transition area at Homer, La.

On April 29, 1976, a notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 17932) stating the Federal Aviation Administration proposed to designate a transition area at Homer, La.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 9, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the following transition area is added:

HOMER, LA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Homer Municipal Airport (latitude 32°47'19" N., longitude 93°00'13" W.) and within 3.5 miles each side of the Homer, La., Municipal Airport NDB (latitude 32°47'24" N., longitude 93°00'02" W.) 296° bearing extending from the 6.5-mile-radius area to a point 12.0 miles west of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Fort Worth, Tex., on June 8, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-17634 Filed 6-16-76;8:45 am]

[Airspace Docket No. 76-SW-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a transition area at Buffalo, Okla.

On April 29, 1976, a notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 17932) stating the Federal Aviation Administration proposed to designate a transition area at Buffalo, Okla.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 9, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the following transition area is added:

BUFFALO, OKLA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Buffalo Municipal Airport, Buffalo, Okla. (latitude 36°51'45" N., longitude 99° 37'00" W.), within 3.5 miles each side of the 005° bearing from the Buffalo NDB (latitude 36°51'48" N., longitude 99°37'05" W.), extending from the 6-mile radius to 11.5 miles north of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Fort Worth, Tex., on June 8, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-17635 Filed 6-16-76;8:45 am]

[Airspace Docket No. 76-SO-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On April 22, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 16829), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Salisbury, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, September 9, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the Salisbury, N.C., transition area is amended as follows:

"* * * north of the RBN * * *" is deleted and "* * * north of the RBN; within 3 miles each side of Rowan VOR (Latitude 35°38'36" N., Longitude 80°31'21" W.) 191° radial extending from the 8-mile radius area to 8.5 miles south of the VOR * * *" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on June 7, 1976.

LONNIE D. PARRISH,
Acting Director, Southern Region.

[FR Doc.76-17632 Filed 6-16-76;8:45 am]

[Airspace Docket No. 76-WA-9]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Waypoint Name Change

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to change the name PEAKS to the name FOURR in the description of Area High Routes J855R and J941R.

A policy to eliminate the duplication of names for waypoints has been adopted by the Federal Aviation Administration. Therefore, action is taken herein to change the waypoint name PEAKS to FOURR in compliance with that policy.

Since this amendment is minor in nature, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective July 15, 1976.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 15, 1976, as hereinafter set forth.

Section 75.400 (41 FR 721) is amended as follows:

In J855R "PEAKS 35°41'03"N., 111°20'14" W., Tuba City, Ariz." is deleted and "FOURR 35°41'03"N., 111°20'14"W., Tuba City, Ariz." is substituted therefor.

In J941R "PEAKS 35°41'03"N., 111°20'14" W., Tuba City, Ariz." is deleted and "FOURR 35°14'03"N., 111°20'14"W., Tuba City, Ariz." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on June 11, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-17631 Filed 6-16-76;8:45 am]

[Docket No. 15793]

[Special Federal Aviation Regulation No. 32]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Prohibition of Certain Air Traffic in the Vicinity of the Port of New York

The purpose of this Special Federal Aviation Regulation (SFAR) is to prohibit aircraft from operating in specified airspace in the vicinity of the Port of New York during national bicentennial celebrations on July 3 and 4, 1976, except in accordance with an authorization issued by the FAA, and to add communication requirements for aircraft operating in that airspace during that period. This SFAR cancels an FAA announcement of March 15, 1976, which stated that the Notice to Airmen provisions of § 91.91 of Part 91 would be employed in response to this event. However, this SFAR applies, in the specified airspace, instead of the more limited provisions of § 91.91, and also provides for the issuance of Notices to Airmen if necessary to extend the full restrictions of this SFAR beyond the times and dates specified herein.

Pilots are advised that no separation or other Air Traffic Control (ATC) functions will be performed in the airspace specified in this SFAR and that the duty of each pilot to see and avoid other aircraft, prescribed in § 91.67 of Part 91, must be complied with. The purpose of this SFAR is solely to limit the number of aircraft in the affected airspace, not to extend the functions of ATC into that airspace.

On July 3 and 4, 1976, as a part of Operation Sail 1976 (OPSAIL '76), which is an operation sponsored by the Navy and Coast Guard, a large fleet, including 250 sailing vessels and 56 large naval vessels from 20 countries, is scheduled to assemble in the Lower and Sandy Hook Bays. On July 4, 1976, the sailing vessels are scheduled to parade through the Upper Bay and the Hudson River for approximately six hours. A fireworks display is scheduled for that evening to be launched from the islands and barges in the Upper Bay. All of the bodies of water referred to in this SFAR are identified on the New York VFR Terminal Area Chart. On April 9, 1976, the Coast Guard issued Temporary Local Regulations (41 FR 16855) curtailing surface operations in the Port of New York for this event. This event is expected to attract numerous aircraft carrying sightseers and representatives of the news media to the airspace over the Port of New York below the New York Terminal Control Area (TCA). This lower airspace is freely available to VFR aircraft. The Navy and Coast Guard have expressed concern for possible hazards to aircraft, surface vessels, and persons present at the event, that could be caused by excessive numbers of aircraft operating in the airspace below the TCA.

It has been determined that the subject event, involving not only the attractiveness of the surface operations but also the interest generated by their relation to the national bicentennial celebration, has an unusually great potential for attracting large volumes of air traffic. Therefore, it is determined that the moderate restrictions in § 91.91 are not adequate in this unusual instance and that a more complete restriction regarding the use of the lower altitudes over the event is necessary to assure safe operation in the affected airspace. This SFAR contains this additional restriction for the duration of the event.

Because of the unpredictability of factors, such as weather, that could affect the timing of the movement of the parade of sailing vessels and related events, and that cannot be controlled by the FAA, this SFAR provides for the issuance of Notices to Airmen where necessary to add additional times and dates in order to assure safety for persons and property in flight and on the surface if the planned schedule for the service operation is disrupted. To allow for this eventuality, the expiration date of this SFAR is delayed until midnight, on Wednesday, July 7, 1976.

This SFAR contains communications requirements for aircraft operating in the specified airspace. These requirements are essential to ensure that aircraft enter and leave the affected airspace in accordance with the authorization issued by the Administrator, so that a safe limitation on the number of aircraft in the affected airspace can be maintained.

Requests for authorization to operate aircraft in the affected airspace should be made in writing and must be made to the Federal Aviation Administration, Airspace and Procedures Branch, AEA-530, Federal Building III, JFK International Airport, Jamaica, N.Y. 11430, or telephone (212) 995-3390. Requests for authorization should be received by the FAA by June 25, 1976, to allow sufficient time for processing. A limited number of aircraft will be authorized to enter this area with preference being given to aircraft carrying representatives of the news media and aircraft providing essential public services such as police and ambulance operations.

For the reason described above, it has been determined that safety in air commerce requires the immediate adoption of this regulation. Therefore, I find that notice and public procedure thereon are impracticable and I further find that good cause exists for making this regulation effective in less than 30 days after publication in the FEDERAL REGISTER.

AUTHORITY: [Sec. 307, 313(a), and 601 of the Federal Aviation Act of 1958 [49 U.S.C. Secs. 1348, and 1354(a) and 1421]; section 6(c) of the Department of Transportation Act [49 U.S.C. sec. 1655(c)].

In consideration of the foregoing, and notwithstanding the provisions of § 91.91 of Part 91 of the Federal Aviation Regulations, the following Special Federal Aviation Regulation is adopted, effective June 17, 1976.

SPECIAL FEDERAL AVIATION REGULATION NO. 32

(a) Except in accordance with an authorization issued by the Administrator, no person may operate an aircraft—

(1) Between 0600 eastern daylight saving time (e.d.t.) on Saturday, July 3, 1976, and 1300 e.d.t. on Sunday, July 4, 1976, and at any additional times and dates specified in a Notice to Airmen issued hereunder, at an altitude of 1,500 feet mean sea level (MSL) and below, over Sandy Hook Bay, over the portion of Lower Bay north of an imaginary line between the westerly tip of Rockaway Peninsula and Sandy Hook, over the Narrows south of an imaginary line one nautical mile north of the Verrazano Bridge from shore to shore, or over land within one nautical mile of the shoreline of those waters; and

(2) Between 0800 and 2300 e.d.t. on Sunday, July 4, 1976, and at any additional times and dates specified in a Notice to Airmen issued hereunder, at an altitude of 1,100 feet MSL and below, over Upper Bay, over the Hudson River south of an imaginary line four nautical miles north of George Washington Bridge, from shore to shore, south to a line one mile north of and parallel to the Verrazano Bridge, from shore to shore, or over land within one nautical mile of the shoreline of those waters.

(b) In addition to compliance with paragraph (a), no person may operate an aircraft within the airspace specified in paragraph (a) unless two-way radio communications are established with the Teterboro Flight Service Station or the Newark Airport Traffic Control Tower before entering that airspace and are maintained while operating within that airspace, and unless one of those facilities is advised by radio when the aircraft leaves that airspace.

(c) Requests for authorization to operate within the airspace specified in paragraph (a) must be submitted to the Federal Aviation Administration, Airspace and Procedures Branch, AEA-530, Federal Building 111, JFK International Airport, Jamaica, N.Y. 11430, Telephone (212) 995-3390, and must include—

(1) Aircraft registration number;
(2) Aircraft type;
(3) Aircraft color;
(4) Proposed times of entry and exit; and
(5) Name of news media or purpose of flight.

(d) This Special Federal Aviation Regulation expires at 2400 e.d.t. on Wednesday, July 7, 1976.

Issued in Washington, D.C., on June 14, 1976.

JOHN MCLUCAS,
Administrator.

[FR Doc.76-17736 Filed 6-16-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2821]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

American Express Co.

Subpart—Collecting, assembling, furnishing or utilizing consumer reports: § 13.382 Collecting, assembling, furnishing or utilizing consumer reports; 13.382-5 Formal regulatory and/or statutory requirements; 13.382-5(a) Fair Credit Reporting Act. Subpart—Corrective actions and/or requirements:

§ 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 84 Stat. 1127–36; 15 U.S.C. 1601, *et seq*)

In the matter of American Express Company, a corporation

Consent order requiring a New York City credit card company, among other things to cease failing to disclose to those credit card applicants who are rejected because of information contained in consumer reports or obtained from a person other than a consumer reporting agency such information as required by the Fair Credit Reporting Act.

The Order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondent, American Express Company, a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any application for a credit card that is primarily for personal, family or household purposes, and in connection with either the receipt or consideration of any consumer report, as "consumer report" is defined in the Fair Credit Reporting Act (15 U.S.C. § 1681 (1970)), or the receipt or consideration of any third party information other than a consumer report, do forthwith cease and desist from:

(1) Failing whenever credit for personal, family, or household purposes involving a consumer is denied or the charge for such credit is increased either wholly or partly because of information contained in a consumer report from a consumer reporting agency, to so advise the consumer against whom such adverse action has been taken and to supply the name and address of the consumer reporting agency making the report.

(2) (a) Failing whenever credit for personal, family, or household purposes involving a consumer is denied or the charge for such credit is increased either wholly or partly because of information obtained from a person other than a consumer reporting agency bearing upon the consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, to disclose the nature of the information to the consumer within a reasonable period of time, upon the consumer's written request for the reasons for the adverse action received by respondent within sixty days after the consumer learns of such adverse action; and,

(b) Failing to clearly and accurately disclose to the consumer his right to make such written request pursuant to subsection 2(a) above at the time such adverse action is communicated to the consumer.

It is further ordered, That respondent shall preserve evidence of compliance with the requirements imposed under this Order for a period of not less than 2 years after the date each required disclosure is made. Respondent shall upon request permit the Commission through its duly authorized representatives to inspect such records.

It is further ordered, That respondent shall deliver a copy of this order to cease and desist to all present and future employees engaged in reviewing or evaluating consumer reports or other third party information in connection with applications for credit cards to be used for personal, family or household purposes.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

It is further ordered, That respondent herein shall within sixty (60) days after service upon them of this Order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this Order.

The Decision and Order was issued by the Commission May 24, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76–17590 Filed 6–16–76;8:45 am]

[Docket C–2823]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Silton Brothers, Inc., et al.

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures. Subpart—Furnishing false guaranties: § 13.1053 Furnishing false guaranties; 13.1053–90 Wool Products Labeling Act. Subpart—Importing, manufacturing, selling or transporting flammable wear, and/or other merchandise: § 13.1060 Importing, manufacturing, selling or transporting flammable wear, and/or other merchandise; § 13.106 Formal regulatory and/or statutory requirements. Subpart—Misbranding or mislabeling: § 13.1185 Composition; 13.1185–90 Wool Products Labeling Act; § 13.1200 Content. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 Composition; 13.1590–90 Wool Products Labeling Act; § 13.1647 Guarantees; 13.1647–90 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68)

In the matter of Silton Brothers, Inc., a corporation trading and doing business under its own name, as Brigham Sportswear, and as Brigham Sportswear Corporation, and Fred S. Silton, individually and as an officer of said corporation.

Consent order requiring a Los Angeles, Calif. importer and manufacturer of wool products, among other things to cease misbranding wool products; furnishing false guaranties that their products are not misbranded; and, for a five-year period, importing wool products into the United States without posting a bond with the Secretary of the Treasury conditioned upon compliance with the Wool Products Labeling Act. Further, respondents are required to notify each customer which purchased the products giving rise to the complaint that said products were misbranded.

The Order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondents Silton Brothers, Inc., a corporation trading and doing business under its own name, as Brigham Sportswear, as Brigham Sportswear Corporation, or under any other name or names, and its officers, and Fred S. Silton, individually and as an officer of the said corporation, and respondents' agents, representatives, employees, successors and assigns, directly or through any corporation, subsidiary, division, or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by Section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Silton Brothers, Inc., a corporation trading and doing business under its own name, as Brigham Sportswear, as Brigham Sportswear Corporation, or under any other name or names, and its officers, and Fred S. Silton, individually and as an officer of the said corporation, and respondents' agents, representatives, employees, successors and assigns, directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from:

1. Importing, or participating in the importation of, any wool products into the United States for a period of five (5)

[1] Copies of the Complaint, Decision and Order filed with the original document.

[1] Copies of the Complaint, Decision and Order filed with the original document.

years from the date on which this order becomes final except upon filing bond with the Secretary of the Treasury in a sum double the value of said wool products and any duty thereon, conditioned upon compliance with the provisions of the Wool Products Labeling Act of 1939.

2. Furnishing a false guaranty that their wool products are not misbranded under the provisions of the Wool Products Labeling Act of 1939, when there is reason to believe that any wool product so falsely guaranteed may be introduced, sold, transported, or distributed in commerce, as "commerce" is defined in the said Act.

It is further ordered, That respondents forthwith notify, by delivery of a copy of this order by registered mail, each of their customers that purchased the products which gave rise to this complaint of the fact that such products were misbranded.

It is further ordered, That the corporate respondent herein shall forthwith distribute a copy o fthiso rderUvuide-of distribute a copy of this order to each of its operating divisions.

It further ordered, That the corporate respondent herein notify the Commission at least thirty (30) days prior to any proposed change in said respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein shall promptly notify the Commission of each change in his business or employment status, including discontinuance of his present business or employment, and each affiliation with a new business or employment for a period of ten years following the effective date of this order. Such notice shall include the address of the business or employment with which respondent is newly affiliated and a description of the business or employment as well as a description of the respondent's duties and responsibilties in that business or employment.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission May 24, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-17591 Filed 6-16-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2132]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

The purpose of this notice is to list communities wherein the sale of flood insurance as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) will be suspended because of noncompliance with the program regulations (24 CFR Part 1909 et seq.)

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities suspended in this notice no longer meet that statutory requirement. Accordingly, the communities are suspended on the effective date in the list below:

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Alaska	Skagaway-Yakutat Division.	Hoonah, city of	June 14, 1976, emergency	June 7, 1974	020049
Florida	Palm Beach	Briny Breezes, town of	do	Jan. 23, 1974 Jan. 30, 1976	120197A
Georgia	Laurens	Dublin, city of	do	July 11, 1975	130217
Iowa	Poweshiek and Iowa.	Victor, city of	do	Mar. 19, 1976	190426
Maine	Hancock	Eastbrook, town of	do	Apr. 18, 1975	230281
Do	do	Penobscot, town of	do	Jan. 24, 1975	230290
Do	Waldo	Thorndike, town of	do	Jan. 10, 1975	230268
Do	Sagadahoc	West Bath, town of	do	Jan. 3, 1975	230211
North Carolina	Union	Indian Trail, town of	do	Sept. 6, 1974 Mar. 26, 1976	370235A
New Hampshire	Carroll	Tuftonboro, town of	June 15, 1976, emergency	Mar. 28, 1975	330234
New York	Washington	Hampton, town of	do	Jan. 3, 1975	361442
Do	Suffolk	Old Field, village of	do	July 25, 1975	361545
Do	Chenango	Otselic, town of	do	Dec. 20, 1974	361090
Do	Oneida	Verona, town of	do	Sept. 13, 1974	360561
Pennsylvania	Armstrong	Cadogan, township of	do	Dec. 6, 1974	421304
Do	Clarion	Knox, township of	do	Apr. 4, 1975	422367
Do	Lycoming	Moreland, township of	do	Feb. 28, 1975	421846
Do	Butler	Slippery Rock, borough of	do		421414
Do	Fayette	Springhill, township of	do		421639
Do	Cambria	West Carroll, township of	do	Nov. 22, 1974	421449
Wisconsin	St. Croix	Wilson, village of	do	Aug. 30, 1974	550389A
*	*	*	*	*	*
Maine	York	Limington, town of	June 16, 1976, emergency	May 31, 1974	230152
Do	Androscoggin	Minot, town of	do	Feb. 1, 1974	230008
New York	Dutchess	Pine Plains, town of	do	Dec. 20, 1974 Dec. 19, 1975	361141A
*	*	*	*	*	*
Alabama	Fayette	Unincorporated areas	June 17, 1976, emergency	Jan. 1, 1975	010210
New York	Washington	Easton, town of	do	Dec. 20, 1974	361224
South Dakota	Sully	Onida, city of	do	July 11, 1975	460210

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Georgia	Bartow	White, town of	June 18, 1976, emergency	Apr. 4, 1975	130278
Kentucky	Owen	Gratz, city of	do		[1]210321
Michigan	Oakland	Clarkston, village of	do	Apr. 25, 1975 Oct. 31, 1975	260472A
New York	Genesee	Alabama, town of	do	May 3, 1974	361067
Ohio	Cuyahoga	Cuyahoga Heights, village of	do	Mar. 29, 1974	390654
Texas	Kaufman	Terrell, city of	do	Dec. 20, 1974	480416
Washington	Whitman	Colton, town of	do	May 2, 1975	530244

[1] New.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: June 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17508 Filed 6–16–76;8:45 am]

[Docket No. FI–2133]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

The purpose of this notice is to list communities wherein the sale of flood insurance as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) will be suspended because of noncompliance with the program regulations (24 CFR Part 1909 et seq.).

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities suspended in this notice no longer meet that statutory requirement. Accordingly, the communities are suspended on the effective date in the list below:

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Kentucky	Jefferson	Jeffersontown, city of	Emergency, Dec. 31, 1971; regular Mar. 5, 1976; suspended, July 26, 1976.	Mar. 5, 1976	210121A
Do	do	St. Matthews, city of	Emergency, Dec. 3, 1971; regular, Mar. 5, 1976; suspended, July 26, 1976.	Dec. 6, 1974	210123A
Mississippi	Lowndes	Columbus, city of	Emergency, Mar. 3, 1972; regular, July 13, 1976; suspended, July 30, 1976.	June 7, 1974 Jan. 16, 1976	280108A
Wisconsin	Vernon	Readstown, valley of	Emergency, Apr. 30, 1971; regular, Mar. 16, 1976; suspended, July 29, 1976.	Dec. 7, 1973 Apr. 16, 1976	550458A

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: June 10, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–17552 Filed 6–16–76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76 115]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Bayou Courtableau, La.

This amendment revokes the regulations for the railroad bridge across Bayou Courtableau, mile 27.3 because this bridge has been converted from a swing span to a fixed span.

§ 117.245(j)(13) [Removed]

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking **§ 117.245(j)(13).**

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655 (g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4)).

Effective date. This revision shall become effective on June 17, 1976.

Dated: June 10, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 76–17667 Filed 6–16–76; 8: 45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 560–4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Revision to Oregon Implementation Plan

On November 18, 1975, the Director of the State of Oregon Department of Environmental Quality (DEQ) submitted to the Administrator of the Environmental Protection Agency (EPA) a revision to the State of Oregon Implementation Plan (SIP), Title 20—Indirect Sources, of the Lane Regional Air Pollution Authority (APA) Rules and Regulations. The regulation provides for preconstruction review of new or modified indirect sources within Lane County to determine whether the construction or modification would cause a violation of the Oregon SIP or any State or regional ambient air quality standards. The regulation was adopted by the Board of the Lane Regional Air Pollution Authority after proper notice and public hearing on July 8, 1975.

On January 7, 1976, EPA announced receipt of the proposed revision to the Oregon SIP in the FEDERAL REGISTER (41 FR 1316) and invited public comment on whether it should be approved or disapproved. No comments were received during the 30-day public comment period ending February 6, 1976.

The State of Oregon adopted a regulation for the review of indirect sources which was approved by EPA on February 24, 1976 (41 FR 8058). The State Department of Environmental Quality delegated to the Lane Regional APA the authority to implement and enforce the

State regulation in the Authority's jurisdiction. The Lane Regional APA adopted their own regulation which was accepted by the State as an alternative to the State regulation. However, the State retained jurisdiction of highway sections which cross regional authority boundaries.

The Lane Regional APA regulation is being approved today, even though it may not be entirely consistent with EPA's original requirements for indirect source review (40 CFR 51.18) in the following respects: (1) The regulation does not affirmatively insure that the Authority will deny construction approval to noncomplying facilities; and (2) the regulation would allow the substantive provisions of a local or regional plan to be substituted without first securing EPA's approval through the plan revision process. In addition, the regulation requires that sources must not violate State or regional, rather than national, ambient air quality standards. However, should the State, regional, or national standards be amended, it would be necessary to again review the regulation.

Despite the above, EPA is approving the Lane Regional APA regulation since the Federal regulation promulgated on February 25, 1974 for Oregon and most other States (39 FR 7283) has been indefinitely suspended pending Congressional consideration of amendments to the Clean Air Act relating to indirect sources. See 40 FR 28064, July 3, 1975. If EPA reinstates the Federal regulation at some time in the future, it may be necessary to reexamine the Lane Regional APA regulation at that time.

Accordingly, the Administrator is hereby approving the Lane Regional APA regulation for indirect source review as a SIP revision.

The Administrator finds good cause for making this action effective immediately. Since the approved regulation is already effective as a matter of State Law, to further delay the effectiveness of this approval is unnecessary.

This approval is issued under the authority of Section 110(a) of the Clean Air Act, as amended. (42 U.S.C. 1857c-5(a)).

Dated: June 10, 1976.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 52.1970, paragraph (c) is amended by adding subparagraph (20) as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(20) Indirect Source Regulation (Title 20—Indirect Sources), of the Lane Regional Air Pollution Authority Rules and Regulations, submitted November 18, 1975 by the Department of Environmental Quality.

* * * * *

[FR Doc.76-17583 Filed 6-16-76;8:45 am]

[FRL 556-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Puerto Rico: Control Strategy and Regulations: Sulfur Oxides; Correction

The FEDERAL REGISTER published at pages 42191 and 42212 in the issue dated September 11, 1975 incorrectly stated the section number for control strategy and regulations: Sulfur oxides in Part 52 for Puerto Rico as § 52.2729. This reference is corrected to read § 52.2731—Control Strategy and Regulations: Sulfur oxides.

Dated: June 10, 1976.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.76-17584 Filed 6-16-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14-3—PROCUREMENT BY NEGOTIATION

Subpart 14-3.3—Determinations, Findings, and Authorities

Subpart 14-3.4—Types of Contracts

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Part 14-3 of Chapter 14 of Title 41 of the Code of Federal Regulations is hereby amended as stated herein.

It is the general policy of the Department of the Interior to allow time for interested persons to participate in the rulemaking process. However, the amendments herein state Departmental policy concerning the use of letter contracts and prescribe administrative limitations, approval requirements and contract contents pertaining thereto. Because the amendments are entirely administrative in nature, the public rulemaking process is waived in this instance and the amendments stated herein are effective immediately.

Dated: June 10, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

Subpart 14-3.3—Determinations, Findings, and Authorities

1. Paragraph (f) of § 14-3.305-51 of Subpart 14-3.3 is amended to read as follows:

§ 14-3.305 Form and requirements of determinations and findings.

* * * * *

§ 14-3.305-51 Summary of required determinations and findings.

* * * * *

(f) *Use of letter contracts.* Letter contracts may be used only upon a determination and findings by the head of the procuring activity that no other type of contract is suitable pursuant to § 1-3.408 of this title and § 14-3.408 of this chapter.

* * * * *

Subpart 14-3.4—Types of Contracts

2. Section 14-3.408 of Subpart 14-3.4 is amended to read as follows:

§ 14-3.408 Letter contract.

(a) *General.* This section states Departmental policy concerning the use of letter contracts and prescribes limitations, approval requirements, and contract contents pertaining thereto. The requirements supplement those set forth in § 1-3.408 of this title and are applicable to all procuring activities.

(b) *Policy.* It is the policy of the Department to not issue letter contracts. Exceptions to this policy shall be permitted only in those cases where it is determined that no other type of contract is suitable and all matters of a substantive nature, such as specifications or statements of work, delivery schedules, and general and special clauses have been resolved and agreed upon by the contractor and the contracting officer.

(c) *Limitations.* (1) A letter contract may be used only upon a determination and findings by the head of the procuring activity that no other type of contract is suitable pursuant to § 1-3.408 of this title.

(2) A letter contract that is to be negotiated on a noncompetitive basis shall be justified in accordance with § 14-3.150 of this chapter.

(3) A letter contract shall be superseded by a definitive contract within 90 days from the date of its execution and acceptance, unless a period in excess of 90 days is approved by the head of the procuring activity. The letter contract shall specify the date by which the definitive contract will be negotiated. In the event the letter contract is not negotiated and executed within the 90 days, it shall be terminated unless advance approval to extend the period is obtained from the head of the procuring activity.

(4) The maximum monetary liability of the Government stated in the letter contract shall be limited to only that amount determined to be essential to cover the contractor's funding requirements prior to definitization and shall not exceed 50 percent of the total estimated amount of the definitive contract.

(5) A letter contract shall not describe, refer to, or otherwise commit the Government to a definitive contract in excess of funds available for obligation or commitment at the time the letter contract is executed.

(6) Modifications to letter contracts shall be approved by the head of the procuring activity.

(d) *Contents.* A letter contract and the resulting definitive contract shall contain all applicable provisions required by law and regulation. The letter contract shall be composed of a transmittal letter and signature page, contract terms and conditions, and appropriate general provisions applicable to the dollar range of the procurement and the type of contract. A recommended format for a letter contract transmittal letter and signature page is set forth in paragraph (f) of this section.

(e) *Definitive contract.* (1) The definitive contract resulting from a letter contract shall constitute the entire agreement between the parties. The definitive contract shall replace the letter contract and all modifications thereto and shall contain all letter contract schedule articles, terms and conditions, and general provisions which will continue in effect.

(2) The definitive contract number shall be the same as the letter contract number which it replaces.

(3) The effective date of the definitive contract shall be the same as the effective date of the letter contract which it replaces, in order to provide continuity for contract administration and audit.

(4) The definitive contract shall contain a schedule article similar to the following:

This definitive contract is effective as of _____ [date] _____; replaces Letter Contract No. _____ dated _____, and modifications thereto nos. _____, _____ and _____, dated _____, _____ and _____, respectively; and hereafter constitutes the entire agreement between the parties. Any costs incurred or payments made under Letter Contract No. _____ and all modifications thereto will be considered to have been incurred or made under this definitive contract.

(f) *Letter contract format.* The transmittal letter and signature page for a letter contract shall be prepared in a format similar to the following:

DEPARTMENT OF THE INTERIOR

[Name and address of procuring activity]

LETTER CONTRACT

Date: _____
Letter Contract No. _____

[Contractor's name
and address]

Gentlemen:

1. This letter, when accepted by you, will constitute a Letter Contract bearing the contract number shown above, whereby you, as Contractor, agree to furnish to the Government the products or services set forth in the attached contract Schedule in accordance with the terms, conditions and administrative provisions set forth in the Schedule and the General Provisions identified in the Schedule all of which are attached hereto and form a part hereof. The original and * * * copies of this Letter Contract and the Schedule and General Provisions are submitted to you

2. If you agree to the terms and conditions set forth in the Schedule and General Provisions referenced herein and this letter, please indicate your acceptance by signing the original and ____ copies in the place provided at the end of this letter and return the signed original and ____ copies to the contracting officer who signed this letter on behalf of the United States. The signed copies should be accompanied by evidence of the authority of the person who signed the letter contract.

3. It is understood and agreed by your acceptance hereof that you will promptly enter into negotiations to finalize a definitive contract and to furnish all cost and pricing information requested by the Contracting Officer. The form of contract and provisions of the definitive contract which will be used as the basis for negotiation are set forth in the Schedule.

The United States of America

By
[Signature] _____
[Title] _____
(Contracting Officer)

Enclosures:
1. Contract Schedule (Terms, conditions and administrative provisions)
2. Specifications
3. General Provisions

Accepted _____
(Date)

_____
(Contractor's Name)

By
[Signature] _____
[Name] _____
[Title] _____

[FR Doc.76-17599 Filed 6-16-76;8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-38—MOTOR EQUIPMENT MANAGEMENT

Official Use of Motor Vehicles

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and 40 U.S.C. 486(c), Subpart 114-38.50 of Chapter 114, Title 41 of the Code of Federal Regulations, is revised as set forth below.

Because this revision relates only to matters of internal Department practice and procedures, it is determined that the public rulemaking procedure is unnecessary and this revision shall become effective June 17, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JUNE 10, 1976.

Subpart 114-38.50—Official Use of Motor Vehicles

Sec.
114-38.5000 Scope of subpart.
114-38.5001 Responsibility.
114-38.5002 "Government motor vehicle" defined.
114-38.5003 Authorized uses.
114-38.5004 Transportation of non-official passengers.
114-38.5005 Authorizing the use of a Government motor vehicle between an employee's residence and place of employment.
114-38.5006 Penalties for unauthorized use.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 114-38.50—Official Use of Motor Vehicles

§ 114-38.5000 Scope of subpart.

This subpart establishes policies and procedures implementing the requirement that Government motor vehicles are to be used only for official purposes.

§ 114-38.5001 Responsibility.

The head of each bureau and office is responsible for establishing procedures to:

(a) Ensure compliance with this subpart;

(b) Ensure that all officials are fully informed about the policies established in this subpart;

(c) Ensure that all employees are aware of the limitations on use of Government motor vehicles; and

(d) Ensure that employees of grantees, contractors, and subcontractors authorized to use Government motor vehicles use such vehicles solely in the performance of the work authorized under such Government grants, contracts, and subcontracts, and that:

(1) Grantees, contractors, and subcontractors establish and enforce suitable penalties for their employees who willfully use or authorize the use of Government motor vehicles for other than official purposes, and

(2) Appropriate provision is made for the assumption by the grantee, contractor, or subcontractor of any cost or expense incident to any use not related to the performance of the grant or contract, such assumption of cost or expense to be without the right of reimbursement from the Government.

§ 114-38.5002 "Government motor vehicle" defined.

As used in this subpart, the term "Government motor vehicle" means any motor vehicle acquired for official purposes which was:

(a) Acquired by purchase, transfer, or loan.

(b) Obtained from an interagency motor pool.

(c) Leased or rented from a commercial source.

§ 114-38.5003 Authorized uses.

The accomplishment of official business is the sole reason for acquiring and operating a Government motor vehicle. It is for official purposes when a Government motor vehicle is:

(a) Used to carry out authorized programs, including program work under cooperative agreements or other contractual arrangements made pursuant to authority vested in the Department (see 41 CFR 101-25.100).

(b) Used to render assistance in major disasters or emergency situations as provided in 905 DM 1.

(c) Used by an officer or employee to travel between his/her residence and place of employment when such use is authorized as provided in 31 U.S.C. 638a and in accordance with the procedures set forth in 114-38.5005.

(d) Used by an officer or employee in travel status to:

(1) Drive to his/her residence when it is in the interest of the Government that the official travel start from there rather than from the place of employment. (The vehicle may also be stored at the residence at the conclusion of the trip when such storage is in the interest of the Government).

(2) Go between his/her temporary lodging, place of business, and other permissible places set forth in paragraph 1-1-2.6.a of the Federal Travel Regulations (FPMR 101-7).

§ 114-38.5004 Transportation of non-official passengers.

(a) The official purpose of the use of a motor vehicle is not voided or changed by the incidental transportation of private property or a person traveling for personal convenience provided the space is available and not needed in connection with the accomplishment of official business. However, the transportation of non-official passengers creates the possibility of tort claims and public criticism and shall not be encouraged. The head of each bureau and office is responsible for establishing policies about the

use of such incidental transportation which:

(1) Must be without expense to the Government;

(2) Must not result in the delay of Government business or the taking of circuitous routes; and

(3) Must not involve private profit-seeking activities or commercial dealings other than consumer purchases.

(b) Picking up hitchhikers and giving rides to strangers are both prohibited when operating either a Government motor vehicle or a privately-owned vehicle on official business.

§ 114–38.5005 Authorizing the use of a Government motor vehicle between an employee's residence and place of employment.

As provided in 31 U.S.C. 638a, the term "official purposes" does not include the transportation of officers and employees between their domiciles and places of employment except in cases of:

(a) Medical officers on out-patient service, and

(b) Officers and employees engaged in field work the character of whose duties makes such transportation necessary.

(1) Except as provided in § 114–38.5003 (d), prior authorization is required in all instances where the nature of field duty requires the use of a Government motor vehicle between an employee's residence and place of employment. Authority to approve such use is set forth in 205 DM 9.

(2) Initial requests for authorization shall contain, as a minimum, the following information:

(i) Name and title of employee;

(ii) Location of both residence and place of employment;

(iii) Nature of employees' duties or other justifying circumstances;

(iv) Alternate arrangements considered;

(v) Type of vehicle;

(vi) Distance involved;

(vii) Period of need (1-year limit).

(3) Requests for renewal of authorizations shall contain the same information as initial requests.

(4) Approvals must be in writing, are not transferable, and shall be limited to the period of actual need not to exceed one year.

(5) Authorization shall be cancelled in writing when the need no longer exists or the employee's status changes.

§ 114–38.5006 Penalties for unauthorized use.

As provided in 31 U.S.C. 638a(c)(2), any officer or employee of the Government who willfully uses or authorizes the use of any Government-owned passenger motor vehicle, or of any passenger motor vehicle leased by the Government, for other than official purposes or otherwise violates the provisions of that statute shall be suspended from duty by the head of the Department concerned, without compensation, for not less than one month, and shall be suspended for a longer period or summarily removed from office if circumstances warrant.

[FR Doc.76-17600 Filed 6-16-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5588; (Idaho 016388)]

IDAHO

Withdrawal for Dworshak Dam and Reservoir Project; Correction

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Public Land Order No. 5568 of January 13, 1976, appearing in the January 20 issue of the FEDERAL REGISTER at page 2823, is hereby corrected as follows:

Those lands in T. 38 N., R. 2 E., sec. 26, described as NW¼SE¼, should be described as NW¼SW¼.

Those lands in T. 39 N., R. 4 E., sec. 17, described as N½ of SW¼ of lot 1, should be described as N½ and SW¼ of lot 1.

Those lands in T. 41 N., R. 4 E., sec. 26, described as SE½NE¼SE¼ should be described as S½NE¼SE¼.

KENT FRIZZELL,
Under Secretary of the Interior.

JUNE 11, 1976.

[FR Doc.76-17601 Filed 6-16-76;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY

PART 25—RELOCATION ASSISTANCE AND LAND ACQUISITION UNDER FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Appendix A—Schedule of Moving Expense Allowances; Individuals and Families

Section 202(b) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894, provides that a displaced individual or family may elect to be paid for moving expenses on the basis of a moving expense schedule. To insure statewide uniformity among all agencies operating under the Act. Federal Management Circular 74-8 (34 CFR Part 233, Appendix A) provides in paragraph 4.1 that the schedule shall be maintained by the respective State highway departments, and approved and disseminated by the Federal Highway Administration.

49 CFR 25.153 of the regulations of the Office of the Secretary, implementing the Uniform Act, directs the Federal Highway Administrator to establish and maintain the moving expense schedule in Appendix A to Part 25 of Title 49 and to update it semiannually. The purpose of this amendment is to revise the current schedule, which was published on January 22, 1976 (41 FR 3300), to reflect changes in the moving expense schedules of the following States:

Table I—Personalty—Alabama, Arkansas, Georgia, Maryland, Nebraska, South Carolina, Tennessee, Texas, and Virginia; Table II—Mobile Homes—Arkansas, Georgia, Nebraska, Ohio, South Carolina, Texas, and Virginia.

These changes will become effective on July 1, 1976.

Issued on: June 8, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

APPENDIX A

TABLE I.—*Personalty*

State	Occupant provides furniture — Number of rooms of furniture										Occupant does not provide furniture	
	1	2	3	4	5	6	7	7	8	10	1st room	Each additional room
Alabama	$80	$95	$130	$165	$200	$235	$270	$300			$20	$15
Alaska	75	150	200	250	275	300					15	15
Arizona	50	100	150	200	250	300					25	15
Arkansas	70	110	150	190	230	270	300				40	20
California	75	100	150	200	250	300					25	15
Colorado	70	110	150	190	230	270	300				20	15
Connecticut	50	90	140	170	230	260	300				15	15
Delaware	50	90	125	150	175	200	225	250	$275	$300	25	15
District of Columbia	100	135	170	210	250	290	300				35	15
Florida	60	90	120	150	180	210	240	270	300		20	10
Georgia	55	95	130	170	200	260	300				30	10
Guam	48	85	120	168	205	240	300				10	10
Hawaii	65	100	135	175	215	255	295	300			45	30
Idaho	60	100	140	180	220	260	300				20	10
Illinois	50	100	150	200	250	300					25	15
Indiana	50	90	125	160	195	230	265	300			25	15
Iowa	55	105	150	190	225	255	280	300			25	10
Kansas	60	120	180	240	300						30	10
Kentucky	50	90	130	170	210	250	290	300			20	15
Louisiana	50	85	120	155	190	225	260	300			40	15
Maine	50	90	125	150	175	200	225	250	275	300	15	10
Maryland	80	110	145	185	230	275	300				20	10
Massachusetts	60	130	150	190	225	250	275	300			25	15
Michigan	65	125	175	220	270	300					45	10
Minnesota	65	95	125	150	175	200	225	250	275	300	25	10
Mississippi	75	100	160	210	260	300					40	20
Missouri	50	100	150	200	250	300					25	10
Montana	55	85	115	145	175	200	225	250	275	300	25	15
Nebraska	50	100	150	200	250	300					30	10
Nevada	50	100	150	200	250	300					25	15
New Hampshire	50	90	125	150	175	200	225	250	275	300	25	15
New Jersey	70	120	165	210	250	275	300				25	15
New Mexico	105	155	205	255	300						[1]	[1]
New York	75	110	150	190	225	250	275	300			25	15
North Carolina	60	95	130	165	200	235	270	300			25	20
North Dakota	60	100	125	150	175	200	225	250	275	300	25	10
Ohio	50	100	150	200	250	300					30	10
Oklahoma	50	85	120	155	190	225	260	300			40	15
Oregon	60	100	140	180	220	260	300				15	15
Pennsylvania	60	105	150	195	240	285	300				20	20
Puerto Rico	75	105	135	165	195	225	250	275	300		25	25
Rhode Island	50	90	125	150	175	200	225	250	275	300	25	10
South Carolina	95	125	165	205	235	250	270	300			15	10
South Dakota	75	130	175	210	240	290	300				40	10
Tennessee	75	100	150	200	250	300					25	15
Texas	50	85	120	150	185	220	260	300			25	15
Utah	75	100	130	155	180	210	240	270	300		25	15
Vermont	50	90	125	150	175	200	225	250	275	300	25	10
Virginia	60	80	120	160	200	240	280	300			30	10
Virgin Islands	105	150	195	240	275	300					35	35
Washington [2]	70	120	150	180	210	240	270	300			20	10
West Virginia [3]	60	100	140	180	220	260	300				25	10
Wisconsin	50	90	130	170	210	240	270	300			25	15
Wyoming	50	85	120	150	185	225	265	300			30	15

[1] Furnished units including sleeping rooms. Occupant does not own furniture.

1 room	2 rooms	3 rooms	4 rooms	5 rooms	6 rooms	7 rooms	8 rooms	8 rooms	10 rooms
$45	$86	$107	$128	$149	$170	$191	$212	$233	$254

to a maximum of $300.

[2] For mobile homes (whether or not occupant provides furniture): 1st room, $50; each additional room, $25.
[3] Where occupant does not provide furniture, allowance for 2 rooms is $40.

TABLE II.—*Mobile Homes*

State	Miles		Area (square feet)		Width (feet)		Allowance (dollars)
	More than—	But not more than—	More than—	But not more than—	More than—	But not more than—	
Alabama			0	200			100
			200	400			150
			400	600			200
			600	800			280
			800				300
Alaska (all trailers)							300
Arizona			0	300			150
			300	400			200
			400	500			250
			500				300
Arkansas					0	12.0	200
					12.0	14.0	250
					14.0		300
California					0	8.0	(1)
					8.0		(1)
Colorado [2]					0	12.0	250
					12.0		300
Connecticut [3]					0	8.5	100
					8.5	10.5	150
					10.5	12.5	200
					12.5		250
Delaware			0	400			100
			400	600			150
			600	800			200
			800	1,000			250
			1,000				300
Florida			0	200			100
			200	400			150
			400	600			200
			600	850			250
			850				300
Georgia			0	400			95
			400	500			125
			500	600			185
			600	850			245
			850				300
Guam			0	300			130
			300	400			180
			400	500			210
			500	600			240
			600	700			270
			700				300
Hawaii			0	300			130
			300	400			180
			400	500			210
			500	600			240
			600	700			270
			700				300
Idaho			0	200			100
			200	400			150
			400	600			200
			600	800			250
			800				300
Illinois	0	24			0	8.5	100
					8.5	10.5	150
					10.5	12.5	200
					12.5		250
	24	50			0	8.5	150
					8.5	10.5	200
					10.5	12.5	250
					12.5		300
Indiana					0	8.5	150
					8.5	10.5	185
					10.5	12.5	250
					12.5		300
Iowa	0	25			0	8.0	130
					8.0	10.0	150
					10.0	12.0	180
					12.0		230
	25	50			0	8.0	140
					8.0	10.0	170
					10.0	12.0	200
					12.0		300
Kansas			0	200			80
			200	400			160
			400	600			240
			600				300
Kentucky [2]					0	8.0	240
					8.0	10.0	285
					10.0	12.0	300
Louisiana					0	10.0	150
					10.0	12.0	175
					12.0	14.0	225
					14.0		275
Maine					0	8.0	150
					8.0	10.0	200
					10.0	12.0	250
					12.0		300
Maryland			0	200			110
			200	400			140
			400	600			165
			600	800			195
			800	1,000			220
			1,000	1,200			250
			1,200				300
Massachusetts			0	200			80
			200	400			140
			400	600			200
			600				300
Michigan					0	8.0	145
					8.0	10.0	230
					10.0	12.0	280
					12.0		300

State	Miles		Area (square feet)		Width (feet)		Allowance (dollars)
	More than—	But not more than—	More than—	But not more than—	More than—	But not more than—	
Minnesota [3]	0	10			0	10.0	125
					10.0	12.0	135
					12.0	14.0	150
					14.0		175
	10	25			0	10.0	130
					10.0	12.0	140
					12.0	14.0	155
					14.0		185
	25	50			0	10.0	140
					10.0	12.0	150
					12.0	14.0	175
					14.0		200
Mississippi			0	300			150
			300	400			200
			400	500			250
			500				300
Missouri			0	200			100
			200	400			150
			400	600			200
			600	800			250
			800				300
Montana [1]					0	10.0	135
					10.0	12.0	150
					12.0	14.0	175
					14.0		225
Nebraska			0	400			100
			400	600			150
			600	800			200
			800	1,000			250
			1,000				300
Nevada			0	300			130
			300	400			180
			400	500			210
			500	600			240
			600	700			270
			700				300
New Hampshire [4]					0	8.0	135
					8.0	10.0	160
					10.0	12.0	210
					12.0		260
New Jersey			0	200			100
			200	400			150
			400	600			200
			600	800			250
			800				300
New Mexico [2 5]	0	20			0	8.5	141
					8.5	10.5	181
					10.5	12.5	191
					12.5		231
	20	50			0	8.5	161
					8.5	10.5	191
					10.5	12.5	206
					12.5		246
New York			0	300			100
			300	500			150
			500	700			200
			700	800			250
			800				300
North Carolina [2 6]					0	10.0	105
					10.0	12.0	140
					12.0		200
North Dakota			0	200			100
			200	400			150
			400	600			200
			600	800			250
			800				300
Ohio [4]	0	10	0	320			130
			320	500			150
			500	840			170
			840	1,120			205
			1,120				250
	10	25	0	320			135
			320	500			155
			500	840			190
			840	1,120			220
			1,120				275
	25	50	0	320			145
			320	500			165
			500	840			200
			840	1,120			250
			1,120				300
Oklahoma					0	10.0	150
					10.0	12.0	175
					12.0	14.0	225
					14.0		275
Oregon			0	200			100
			200	600			200
			600				300
Pennsylvania			0	300			130
			300	500			225
			500	800			275
			800				300
Rhode Island					0	8.0	225
					8.0	10.0	250
					10.0	12.0	275
					12.0		300
South Carolina [1]					0	10.0	140
					10.0	12.0	150
South Dakota					0	10.0	230
					10.0	12.0	270
					12.0		300
Tennessee [1]					0	10.0	100
					10.0		150

State	Miles		Area (square feet)		Width (feet)		Allowance (dollars)
	More than—	But not more than—	More than—	But not more than—	More than—	But not more than—	
Texas					0	8.5	165
					8.5	10.5	210
					10.5	12.5	255
					12.5	14.5	300
Utah [2]	0	10			0	8.0	140
					8.0	10.0	145
					10.0	12.0	165
					12.0		200
					0	8.0	145
					8.0	10.0	155
	10	25			10.0	12.0	175
					12.0		225
	25	50			0	8.0	150
					8.0	10.0	160
					10.0	12.0	190
					12.0		250
Vermont [4]					0	8.0	155
					8.0	10.0	185
					10.0	12.0	215
					12.0		250
Virginia			0	200			150
			200	400			200
			400	600			250
			600	800			300
Washington [7]			0	200			100
			200	400			150
			400	600			200
			600	800			250
			800				300
West Virginia			0	300			100
			300	450			150
			450	550			225
			550				300
Wisconsin					0	8.0	150
					8.0	10.0	200
					10.0	12.0	250
					12.0		300
Wyoming [2]					0	8.5	135
					8.5	10.5	165
					10.5	12.5	185
					12.5		220

[1] Width to 8-ft length, 40 ft—$200; length, 40 ft plus $300; width over 8-ft length, 40 ft—$300; length, 40 ft plus—$300.
[2] $300 for double trailer.
[3] Plus $50 for expandible trailer.
[4] $50 for extras.
[5] Escort fee included.
[6] Personalty only: Width—under 10 ft, $40; 10 ft, $50; 12 ft and over, $70; doubles, $100.
[7] Personalty only: 1st room, $50; each additional room, $25.

[FR Doc.76-17496 Filed 6-16-76;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-3; Notice 04]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Bus Emergency Exit Requirements

Correction

In FR Doc. 76-16042 appearing at page 22356 in the issue of Thursday, June 3, 1976, in the second column on page 22357 the line: "5. Section S5.5.3 is amended to read:" should be deleted where it appears and reinserted directly above the line reading: "S5.5.3 *School Bus.* Each school bus".

[Docket No. 75-27; Notice 04]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

PART 575—CONSUMER INFORMATION

Braking Standards and Consumer Information Item

This notice amends Standard No. 105-75, *Hydraulic Brake Systems,* and Standard No. 122, *Motorcycle Brake Systems,* to modify the means for establishing the frictional resistance of the surface on which stopping distance tests are conducted. A similar amendment is made to Part 575, *Consumer Information,* of Title 49 of the Code of Federal Regulations.

The National Highway Traffic Safety Administration (NHTSA) proposed the change in Standard No. 105-75 (49 CFR 571.105-75), Standard No. 121, *Air Brake Systems* (49 CFR 571.121), Standard No. 122 (49 CFR 571.122), and the Consumer Information Regulations (49 CFR 575.-101) in response to a petition from British-Leyland Motors Limited (40 FR 45200, October 1, 1975). The existing test procedure in these regulations has specified use of the American Society for Testing and Materials (ASTM) E-274-65T procedure, using an ASTM E249 tire that is no longer manufactured.

Responses were received on the proposed ASTM change from White Motor Corporation (White), Mack Trucks, Inc. (Mack), Freightliner Corporation (Freightliner), Ford Motor Company (Ford), General Motors Corporation (GM), Chrysler Corporation (Chrysler), American Motors Corporation (AMC), and International Harvester (IH). The National Motor Vehicle Safety Advisory Council made no comment on the proposal.

Most commenters supported use of the new test procedure and tire, although they differed in recommendations for correlating the reading produced under the new procedure with that produced under the old procedure. Manufacturers are presently certifying compliance to brake standards on test surfaces with a satisfactory reading under the old procedure, and they should be able to continue testing and certifying compliance on the same surface without any increase in the severity of the tests. To accomplish this transition, the correlation in readings between the procedures has been determined, and the difference is reflected in a change of the dry surface value from "skid number" 75 to "skid number" 81.

Freightliner urged postponement of any action until it could be supported by "adequate and statistically reliable test data." AMC also recommended that the NHTSA do nothing "until the industry has had sufficient time to evaluate and verify the performance of the ASTM E501 test tire on all types of surfaces."

The change in procedure is prompted by the ASTM decision to utilize a new tire in ascertaining the frictional coefficient of test surfaces. As a result the old tire is no longer manufactured and only the new tire is available for skid number measurement. Manufacturers have conducted comparative tests with the new tire to determine the correlation between the readings given by the two tires. Neither Freightliner nor AMC submitted data showing that the agency's proposal to adjust the dry surface skid number upwards is unjustified. Only Mack submitted data and it supported the NHTSA and Federal Highway Administration test data that have been placed in the docket. General Motors considered the agency's proposed upward adjustment to be the maximum desirable based on its data. International Harvester, Chrysler, and Ford supported the change in dry surface skid number without qualification, and White suggested that a skid number of 85 be utilized. The agency finds that the AMC and Freightliner requests for further delay are unjustified.

Ford and Freightliner asked that the skid number for the lower coefficient (wet) surface also be adjusted. The agency's purpose in proposing the adjustment is limited to changes necessary to avoid a modification of the test surfaces or an increase in the severity of performance levels specified under the safety standards. The NHTSA earlier concluded that change of the wet surface specification was unnecessary, and no evidence has been supplied that would modify the earlier determination.

General Motors noted that an editorial change to the newer ASTM procedure does not appear in early publications of that procedure. To put all interested persons on notice of the editorial change, the NHTSA has included the change in its references to the ASTM E274-70 procedure.

Freightliner asserted that the newer procedure included modification of a formula that justified a larger upwards adjustment than that proposed by the agency. Actually, the modifications only corrected an error in the earlier formula which had no effect on the determination of frictional coefficient. Manufacturers either utilized a test trailer that obviated the need for calculations using the formula, or were aware of the error and corrected for it in their calculations.

Thus the adjustment requested by Freightliner is not warranted.

In accordance with recently-enunciated Department of Transportation policy encouraging adequate analysis of the consequences of regulatory action (41 FR 16201, April 16, 1976), the agency herewith summarizes its evaluation of the economic and other consequences of this amendment on the public and private sectors, including possible loss of safety benefit. Because the new references to procedures and a test tire are expected to accord with existing practices, the ame dment is judged not to have any significant impact on costs or benefits of the standards and consumer information item that are modified by the change.

Standard No. 121, *Air Brake Systems*, is presently subject to judicial review under Section 105(a) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. Section 1394(a)). The U.S. Court of Appeals hearing the petition for review has indicated that it prefers to review the standard as it presently exists, without unnecessary amendment. To the degree possible, the agency is complying with that request and therefore, in the case of Standard No. 121, will delay the update of ASTM procedure until review is completed.

It is noted that this change in procedure for ascertaining the frictional resistance of the test surface does not invalidate data collected using the older procedure, and manufacturers can presumably certify on the basis of stopping distance tests conducted on surfaces measured by the old tire.

In consideration of the foregoing, the following amendments are made in Chapter V of Title 49, Code of Federal Regulations.

§ 571.105 [Amended]

I. Standard No. 105–75 (49 CFR 571.105–75) is amended as follows:

1. The definition of "Skid number" in S4 is amended to read:

"Skid number" means the frictional resistance of a pavement measured in accordance with American Society for Testing and Materials (ASTM) Method E–274–70 (as revised July, 1974) at 40 mph, omitting water delivery as specified in paragraphs 7.1 and 7.2 of that method.

2. In S6.9, the skid number of 75 is replaced by the skid number of 81.

§ 571.122 [Amended]

II. Standard No. 122 (49 CFR 571.122) is amended as follows:

1. The definition of "Skid number" in S4 is amended to read:

"Skid number" means the frictional resistance of a pavement measured in accordance with American Society for Testing and Materials (ASTM) Method E–274–70 (as revised July, 1974) at 40 mph, omitting water delivery as specified in paragraphs 7.1 and 7.2 of that method.

2. In S6.7, the skid number of 75 is replaced by the skid number of 81.

III. Section 575.101 of Subpart B of the Consumer Information Regulations (49 CFR Part 575) is amended in part by revising paragraph (d)(7) to read as follows:

§ 575.101 Vehicle stopping distance.

* * * * *

(d) * * *

* * * * *

(7) The roadway lane has a grade of zero percent, and the road surface has a skid number of 81, as measured in accordance with American Society for Testing and Materials (ASTM) Method E–274–70 (as revised July, 1974) at 40 mph, omitting the water delivery specified in paragraphs 7.1 and 7.2 of that method.

* * * * *

Effective date: June 14, 1976. Because the older test tire is no longer manufactured, and because the amendment of procedure and test tire is intended only to duplicate the existing procedure and tire, this amendment creates no additional requirements for any person, and an immediate effective date is found to be in the public interest.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on June 8, 1976.

JAMES B. GREGORY,
Administrator.

[FR Doc.76–17291 Filed 6–16–76;8:45 am]

proposed rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 107]

NUT WAREHOUSES

Proposed Amendments and Republication of Regulations

Notice is hereby given in accordance with 5 U.S.C. 553, that the Agricultural Marketing Service, pursuant to authority conferred by section 28 of the U.S. Warehouse Act (7 U.S.C. 268) is considering amending certain sections of the regulations appearing in Part 107 of Subchapter E, Chapter I under Title 7 of the Code of Federal Regulations with respect to types of eligible nuts, net worth, bonding and other requirements and the publication of the amended regulations in their entirety.

The Regulations for Nut Warehouses under the U.S. Warehouse Act have been in effect since 1924 but only one warehouse has been subject to them for many years. The U.S. Warehouse Act is voluntary legislation and few nut warehousemen have elected during its history to come under the Act and regulations.

During the past year there has been a revival of interest among nut warehousemen in becoming licensed under the Act and some applications for licenses have been received. The upswing in interest appears to stem from economic considerations, particularly related to the value of federal warehouse receipts for loan purposes.

Since the Regulations for Nut Warehouses have not been updated for some time, a number of changes are desirable to bring them in line with current conditions. The major changes from the current regulations are described below. In addition, a number of editorial and other changes of a minor nature have been made to make the regulations conform to the terms and language used in current regulations for warehouses licensed for storage of other commodities.

The scope of the regulations would be extended to include shelled American-grown peanuts. Currently, the regulations apply only to unshelled peanuts, pecans, filberts, and English or Persian walnuts.

A provision would be added which would require that all facilities of the applicant within the same city or town must qualify and be licensed unless exempted.

The net assets of an applicant for a peanut license, in order to qualify, would be increased to $25 per ton of storage capacity with a minimum net worth of $10,000. Currently, the regulations call for net assets of $5 per ton of capacity for peanuts, 2 cents per pound for walnuts and filberts and 3 cents per pound for pecans with a minimum of $5,000 and a maximum of $100,000.

Bonding requirements for peanuts would be increased to $25 per ton for the first 10,000 tons of licensed capacity, and $20 per ton for all licensed capacity over 10,000 tons, with a minimum bond of $20,000 and a maximum of $500,000. The current regulations call for bond in the amount of $5 per ton for peanuts, 2 cents per pound for walnuts and filberts and 3 cents per pound for pecans, based on total warehouse capacity with a minimum of $5,000 and a maximum of $50,000.

Provisions concerning warehouse receipts for shelled peanuts would be added which would require that receipts for shelled nuts stored in dry storage space specify a storage period not to extend beyond May 31 following the year in which harvested. Receipts for peanuts stored in cold storage space would specify a storage period not exceeding one year from date of acceptance. No major changes would be made in the receipt requirements for unshelled nuts.

A provision would be added to permit the loadout without weighing of nuts stored identity preserved when so requested by the owner of the nuts.

A provision would be added to require a warehouseman to file with the Department the names and signatures of persons authorized to sign warehouse receipts.

Fees for original warehouse inspections would be established at $5 per 100 tons of warehouse capacity for peanuts and $10 for each 1,000 hundredweight or fraction thereof for other nuts with a minimum of $40 and a maximum of $600. Current fees are $1 per 100 tons of peanuts and $4 for each 1,000 hundredweight for other nuts with a minimum of $40 and a maximum of $500.

All persons who desire to submit written data, views, or arguments on this proposal should file them in triplicate with the Hearing Clerk, U.S. Department of Agriculture, 14th Street and Independence Avenue, S.W., Washington, D.C. 20250. In order to be assured consideration, such data, views, or arguments should be filed not later than July 19, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk, during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C. June 11, 1976.

DONALD E. WILKINSON,
Administrator.

PART 107—NUT WAREHOUSES

Definitions

Warehouse Licenses

Warehouse Bonds

Warehouse Receipts

Duties of Licensed Warehouseman

AUTHORITY: Sec. 28, 7 U.S.C. 268.

Definitions

§ 107.1 Meaning of words.

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 107.2 Terms defined.

For the purposes of the regulations in this part, unless the context otherwise require, the following terms shall be construed, respectively, to mean:

(a) *Nuts.* Unshelled nuts of the following kinds: American-grown peanuts, pecans, filberts, and English or Persian walnuts; and shelled American-grown peanuts.

(b) *The Act.* The United States Warehouse Act, approved August 11, 1916 (39 Stat. 486; 7 U.S.C. 241–273) as amended.

(c) *Person.* An individual, corporation, partnership, or two or more persons having a joint or common interest.

(d) *Department.* The United States Department of Agriculture.

(e) *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(f) *Service.* The Agricultural Marketing Service of the United States Department of Agriculture.

(g) *Administrator.* The Administrator of the Service or any other officer or employee of that Service to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated, to act in his stead.

(h) *Regulations.* Rules and regulations made under the Act by the Secretary.

(i) *Warehouse.* Unless the context otherwise clearly indicates, any building, structure, or other protected enclosure licensed or to be licensed under the Act, in which nuts are or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which nuts are or may be stored.

(j) *Warehouseman.* Any person lawfully engaged in the business of storing nuts, who holds an effective warehouseman's license under the Act, or who has applied for such a license.

(k) *License.* A license issued under the Act by the Secretary.

(l) *Warehouseman's bond.* The bond required by the Act to be given by a warehouseman.

(m) *Licensed inspector.* A person licensed under the Act by the Secretary to inspect, grade and to certificate the condition, grade, or other class of nuts stored or to be stored in a licensed warehouse.

(n) *Licensed weigher.* A person licensed under the Act by the Secretary to weigh and certificate the weight of nuts stored or to be stored in a licensed warehouse.

(o) *Receipt.* A licensed warehouse receipt issued under the Act, unless otherwise specified.

(p) *Package.* A bag, sack, box, or other container.

Warehouse Licenses

§ 107.3 Application form.

Applications for licenses and for amendments of licenses under the Act shall be made to the Secretary upon prescribed forms furnished by the Service, shall be in English, shall truly state the information therein contained, and shall be signed by the applicant. The applicant shall at any time furnish such additional information as the Secretary shall find to be necessary to the consideration of his application.

§ 107.4 All facilities to be licensed or exempted.

All facilities within the same city or town used for the storage of nuts by an applicant for a warehouse license must qualify for a license and be licensed under the Act if the applicant is to be licensed to operate as a nut warehouseman in such city or town, unless the facilities which are not to be covered by a license are exempted by the Secretary upon a finding that, due to the exercise of adequate controls by some independent agency over the operation of the nonfederally licensed facilities, there would be no likelihood of interchange, substitution, or commingling of nuts stored in such facilities with nuts stored in the federally licensed facilities. If all such facilities do not qualify for a license or for an exemption under this section the applicant shall not be licensed under the Act as a nut warehouseman in the city or town in which the facilities in question are located. Each applicant for a nut warehouse license must apply for a license covering all facilities operated by him for the storage of nuts within the same city or town or for exemption as provided in this section. If a licensed nut warehouseman acquires any additional nut storage facilities within the same city or town in which his licensed warehouse is located he shall file promptly an application for a license or an exemption of the additional facilities. No nut storage facility acquired by a licensed nut warehouseman, subsequent to the issuance of his license, in the same city or town as his licensed facilities, shall be used for the storage of nuts until it qualifies for license and is licensed or is exempted as provided in this section. If any one of the licensed nut storage facilities operated by a warehouseman in the same city or town becomes ineligible for a license at any time for any reason, it shall not thereafter be used for the storage of nuts, until the condition making it ineligible is removed or an exemption is granted as provided in this section. The use for the storage of nuts by a licensed warehouseman of a facility which is in the same city or town as his licensed facilities and is neither licensed or exempted, or other violation of the provisions of this section, shall be cause for suspension or revocation of any license issued to the warehouseman for the storage of nuts.

§ 107.5 Scales; bin numbers.

(a) Each warehouse must be equipped with suitable scales in good order, and so arranged that all nuts whether for storage or for nonstorage purposes, can be weighed in and out of the warehouse. The scales in any warehouse shall be subject to examination by representatives of the Department and to disapproval by the Administrator. If he disapproves any weighing apparatus, it shall not thereafter be used in ascertaining the weight of nuts for the purposes of this Act, until such disapproval be withdrawn.

(b) Both bulk bins and compartments for sacked nuts of all warehouses licensed under the Act shall be identified by means of clearly discernible numbers securely affixed thereto. The series of numbers to be used shall be approved by the Service. Bulk bins shall be numbered so as to be easily identified at the openings on top and also on or near the outlets. Compartments shall be numbered

in such a manner as to clearly show the space covered by each number.

§ 107.6 Net assets.

(a) Each warehouseman conducting a warehouse licensed, or for which application for a license has been made, under the regulations in this part, shall have and maintain above all exemptions and liabilities, total net assets liable for the payment of any ir debtedness arising from the conduct of the warehouse, to the extent of at least $25 per ton for the maximum number of tons of peanuts, 2 cents per pound for the maximum number of pounds of walnuts or filberts, and/or 3 cents per pound for the maximum number of pounds of pecans, that the warehouse could accommodate when stored in the manner customary to the warehouse as determined by the Administrator: Provided, that no person may be licensed as a warehouseman under the regulations in this part unless he has allowable net assets of at least $10,000. And provided further, that any deficiency in net assets required above the $10,000 minimum may be supplied by an increase in the amount of the warehouseman's bond in accordance with § 107.14(c). In determining total net assets, credit may be given for insurable property such as buildings, machinery, equipment, and merchandise inventory, only to the extent that such property is protected by insurance against loss or damage by fire. Such insurance shall be in the form of lawful policies issued by one or more insurance companies authorized to do such business and subject to service of process in suits brought in the State in which the warehouse is located.

§ 107.7 Grounds for not issuing license.

A license for the conduct of a warehouse, or any amendment to a license, under the regulations in this part, shall not be issued if it is found by the Secretary, that the warehouse is not suitable for the proper storage of nuts; that the warehouseman does not possess a good reputation, or does not have a net worth of at least $10,000, or is incompetent to conduct such warehouse in accordance with the Act and the regulations in this part; or that there is any other sufficient reason within the intent of the Act for not issuing such license. If all the facilities operated for the storage of nuts by the applicant within the same city or town are not to be licensed under the Act, the applicant shall not be licensed as a nut warehouseman with respect to any of such facilities, unless an exemption of the facilities which are not to be licensed is granted as provided in § 107.4.

§ 107.8 License shall be posted.

Immediately upon recepit of his license or of any modification or extension thereof under the Act, the warehouseman shall post the same, and thereafter, except as otherwise provided in the regulations in this part, keep it posted until suspended or terminated, in a conspicuous place in the principal office where receipts issued by such warehouseman are delivered to depositors.

§ 107.9 Suspension or revocation of warehouse licenses.

Pending investigation, the Secretary, whenever he deems necessary, may suspend a warehouseman's license temporarily without hearing. Upon written request and a satisfactory statement of reasons therefor, submitted by a warehouseman, the Secretary may, without hearing, suspend or revoke the license issued to such warehouseman. The Secretary may, after opportunity for hearing has been afforded in the manner prescribed in this section, suspend or revoke a license issued to a warehouseman when such warehouseman—

(a) Does not have a net worth of at least $10,000;

(b) Has parted, in whole or in part, with his control over the licensed warehouse;

(c) Is in process of dissolution or has been dissolved;

(d) Has ceased to operate such licensed warehouse;

(e) Has in any other manner become nonexistent or incompetent or incapacitated to conduct the business of the warehouse;

(f) Has made unreasonable or exorbitant charges for services rendered;

(g) Is operating in the same city or town in which his licensed warehouse facilities are located, any facility for storage of nuts which is not covered by a license or an exemption as provided in § 107.4, or

(h) Has in any other manner violated or failed to comply with any provision of the Act or the regulations in this part.

Whenever any of the conditions mentioned in paragraphs (a) through (h) of this section shall come into existence, it shall be the duty of the warehouseman to notify the Administrator immediately of the existing condition. Before a license is revoked or suspended (other than temporarily pending investigation) for any violation of, or failure to comply with, any provision of the Act or of the regulations in this part, or upon the ground that unreasonable or exorbitant charges have been made for services rendered, the warehouseman involved shall be furnished by the Secretary, a written statement, specifying the charges and shall be allowed a reasonable time within which he may answer the same in writing and apply for a hearing, an opportunity for which shall be afforded in accordance with § 107.82.

§ 107.10 Return of suspended or revoked warehouse license.

When a license issued to a warehouseman terminates or is suspended, revoked, or canceled by the Secretary, it shall be returned to the Secretary. At the expiration of any period of suspension of such license, unless it be in the meantime revoked or canceled, the dates of the beginning and termination of the suspension shall be indorsed thereon, and it shall be returned to the licensed warehouseman to whom it was originally issued, and it shall be posted as required in § 107.8: Provided, That in the discretion of the Secretary a new license may be issued without reference to such suspension.

§ 107.11 Lost or destroyed warehouse license.

Upon satisfactory proof of the loss or destruction of a license issued to a warehouseman, a duplicate thereof may be issued under the same or a new number at the discretion of the Secretary.

§ 107.12 Unlicensed warehousemen must not represent themselves as licensed.

No warehouse or its warehouseman shall be designated as licensed under the Act and no name or description conveying the impression that it or he is so licensed shall be used, either in a receipt or otherwise unless such warehouseman holds an unsuspended, unrevoked, and uncanceled license for the conduct of such warehouse.

Warehouse Bonds

§ 107.13 Bond required; time of filing.

Each warehouseman applying for a warehouse license under the Act shall, before such license is granted, file with the Secretary a bond containing the following conditions and such other terms as the Secretary may prescribe in the approved bond forms, with such changes as may be necessary to adapt the forms to the type of legal entity involved:

Now, therefore, if the said license(s) or any amendments thereto be granted and said principal, and its successors and assigns operating said warehouse(s) shall:

Faithfully perform during the period of one year commencing _____, or until the termination of said license(s) in the event of termination prior to the end of the one year period, all obligations of a licensed warehouseman under the terms of the Act and regulations thereunder relating to the above-named products; and

Faithfully perform during said one year period and thereafter, whether or not said warehouse(s) remain(s) licensed under the Act, such delivery obligations and further obligations as a warehouseman as exist at the beginning of said one year period or are assumed during said period and prior to termination of said license(s) under contracts with the respective depositors of such products in the warehouse(s);

Then this obligation shall be null and void and of no effect, otherwise to remain in full force. For purposes of this bond, the aforesaid obligations under the Act and regulations and contracts shall include obligations under any and all modifications of the Act, the regulations, and the contracts that may hereafter be made, notice of which modifications to the surety being hereby waived.

§ 107.14 Amount of bond; additional amounts.

(a) The amount of bond to be furnished for each warehouse under the regulations in this part for peanuts shall be fixed at a rate of $25 per ton for the first 10,000 tons of licensed capacity and $20 per ton for all tons of licensed capacity over 10,000 tons; for walnuts and filberts the bond shall be fixed at a rate

of 2 cents per pound for the licensed capacity; and for pecans the bond shall be fixed at a rate of 3 cents per pound for the licensed capacity: Provided, That in any case the amount of bond shall not be less than $20,000 nor more than $500,000, except as prescribed in paragraph (c) of this section. The licensed capacity shall be the maximum quantity of nuts that the warehouse will accommodate when stored in the manner customary to the warehouse as determined by the Administrator.

(b) In case a warehouseman is licensed or is applying for licenses to operate two or more warehouses in the same State he may give a single bond meeting the requirements of the Act and the regulations in this part to cover all his warehouses within the State. In such case the warehouses to be covered by the bond shall be deemed to be one warehouse only for purposes of determining the amount of bond required under paragraph (a) of this section.

(c) In case of a deficiency in net assets above the $10,000 minimum required under § 107.6, there shall be added to the amount of bond determined in accordance with paragraph (a) of this section an amount equal to such deficiency. In any other case in which the Secretary finds that conditions exist which warrant requiring additional bond, there shall be added to the amount of bond as determined under the other provisions of this section, a further amount to meet such conditions.

§ 107.15 Extension bond.

In case an application is made for an amendment to a license and no bond previously filed by the warehouseman under §§ 107.13–107.17 covers obligations arising during the period covered by such amendment, the warehouseman shall, when notice has been given by the Secretary, that his application for such amendment will be granted upon compliance by such warehouseman with the Act, file with the Secretary, within a time, if any, fixed in such notice, a bond complying with the Act. In the discretion of the Secretary, a properly executed instrument in form approved by him, amending, extending, or continuing in force and effect the obligations of a valid bond previously filed by the warehouseman and otherwise complying with the Act and the regulations in this part, may be filed in lieu of a new bond.

§ 107.16 New bond required each year.

A continuous form of license shall not remain in force for more than one year from its effective date, or any subsequent extension thereof, unless each year prior to the date on which the license would expire, the warehouseman files a bond in the required amount with the Secretary and such bond has been approved by him.

§ 107.17 Approval of bond.

No bond, amendment, or continuation thereof shall be accepted for the purposes of the Act and the regulations in this part until it has been approved by the Secretary.

Warehouse Receipts

§ 107.18 Form.

(a) Every receipt, whether negotiable or nonnegotiable, issued for nuts stored in a licensed warehouse shall, in addition to complying with the requirements of section 18 of the Act, embody within its written or printed terms the following:

(1) The name of the warehouseman and the designation, if any, of the warehouse.

(2) The license number of the warehouse.

(3) A statement whether the warehouseman is incorporated or unincorporated, and if incorporated, under what laws.

(4) In the event the relationship existing between warehouseman and any depositor is not that of strictly disinterested custodianship, a statement setting forth the actual relationship.

(5) A statement conspicuously placed, whether or not the nuts are insured, and, if insured, to what extent, by the warehouseman against loss by fire, lighting, tornado, or otherwise.

(6) The kind and type of nut.

(7) The net weight of the nuts.

(8) In the case of nuts the identity of which are to be preserved, the identification or location in accordance with § 107.38, and

(9) The words "Not Negotiable," or "Negotiable," according to the nature of the receipt, clearly and conspicuously printed or stamped thereon.

(b) Every receipt, whether negotiable or nonnegotiable, issued for unshelled peanuts stored in a licensed warehouse shall specify a period, for which the unshelled peanuts are accepted for storage under the Act and the regulations in this part, not to extend beyond July 1 following the year in which harvested. Upon demand and the surrender of the old receipt by the lawful holder thereof on July 1, the warehouseman, upon such lawful terms and conditions as may be granted by him at such time to other depositors of unshelled peanuts in the warehouse, if he then continues to act as a licensed warehouseman, may issue a new receipt for a further specified period not to extend beyond March 31 of the year following the date of surrender of the receipt: Provided, that the farmers' stock peanuts are first reinspected by a licensed inspector and found to be in proper condition for further storage and the grade as determined by the licensed inspector and the year in which the unshelled peanuts were harvested are shown on the new receipt.

(c) Every receipt, whether negotiable or nonnegotiable, issued for shelled peanuts stored in dry storage space in a licensed warehouse shall specify a period, for which the peanuts are accepted for storage under the Act and the regulations in this part, not to extend beyond May 31 following the year in which harvested. Every receipt, whether negotiable or nonnegotiable, issued for peanuts stored in cold storage space in a licensed warehouse shall specify a period, not exceeding one year, for which the peanuts are accepted for storage under the Act and regulations in this part.

(d) Every receipt, whether negotiable or nonnegotiable, issued for walnuts, filberts, or pecans stored in a licensed warehouse under ordinary dry storage conditions shall specify a period for which the walnuts, filberts, or pecans are accepted for storage under the Act and the regulations in this part not to extend beyond March 31 following the year in which harvested. Upon demand by the lawful holder and surrender of this receipt on or before March 31, the warehouseman, upon such lawful terms and conditions as may be granted by him at such time to other depositors of walnuts, filberts, or pecans in his warehouse, if he then continues to act as a licensed warehouseman may issue a new receipt for a further specified period not to extend beyond December 31 of the year following the date of surrender of the receipt: Provided, That the walnuts, filberts, or pecans are first reinspected by a licensed inspector and found to be in proper condition for further storage and the grade and condition as determined by the licensed inspector and the year in which the walnuts, filberts, or pecans were harvested are shown on the new receipt: And provided further, That such nuts are placed in licensed cold storage space before or immediately following inspection thereof and before the issuance of receipts.

(e) The grade or other class stated in a recipt issued for nuts, shall be stated in such receipt in accordance with § 107.77 as determined by the licensed inspector who last inspected the nuts before the issuance of such receipt, and such receipt shall embody within its written or printed terms the following: (1) That the nuts covered by the receipt were weighed by a licensed weigher, and inspected by a licensed inspector; (2) a form of indorsement which may be used by the depositor or his authorized agent, for showing the ownership of, and liens, mortgages, or other encumbrances on the nuts covered by the receipt.

(f) If a warehouseman issues a receipt omitting the statement of grade or other class on request of the depositor as permitted by section 18 of the Act, such receipt shall have clearly and conspicuously stamped or written on the face thereof the words "not graded on request of depositor."

(g) If a warehouseman issues a receipt under the Act omitting any information not required to be stated, for which a blank space is provided in the form of the receipt, a line shall be drawn through such space to show that such omission has been made by the warehouseman.

§ 107.19 Copies of receipts.

At least one actual or skeleton copy of all receipts shall be made, and all copies, except skeleton copies, shall have clearly and conspicuously printed or stamped thereon the words "Copy—Not Negotiable." A copy of each receipt issued shall be retained by the warehouseman for a period of one year after December 31 of the year in which the corresponding original receipt is canceled.

§ 107.20 Lost or destroyed receipts; bond.

(a) In the case of a lost or destroyed receipt, if there be no statute of the United States or law of a State applicable thereto, a new receipt upon the same terms, subject to the same conditions, and bearing on its face the number and the date of the receipt in lieu of which it is issued and a plain and conspicuous statement that it is a duplicate issued in lieu of a lost or destroyed receipt, may be issued upon compliance with the conditions set out in paragraph (b) of this section.

(b) Before issuing such duplicate receipt the licensed warehouseman shall require the depositor or other person applying therefor to make and file with the warehouseman (1) an affidavit showing that he is lawfully entitled to the possession of the original receipt, that he has not negotiated or assigned it, how the original receipt was lost or destroyed, and if lost, that diligent effort has been made to find the receipt without success, and (2) a bond in an amount double the value, at the time the bond is given, of the nuts represented by the lost or destroyed receipt. Such bond shall be in a form approved for the purpose by the Secretary, shall be conditioned to indemnify the warehouseman against any loss sustained by reason of the issuance of such duplicate receipt, and shall have as surety thereon (i) a surety company which is authorized to do business, and is subject to service of process in a suit on the bond, in the State in which the warehouse is located, or (ii) at least two individuals who are residents of such State and each of whom owns real property therein having a value, in excess of all exemptions and encumbrances, to the extent of the amount of the bond.

§ 107.21 Printing of receipts.

Receipts issued by a warehouseman shall be (a) in form prescribed by the Administrator, (b) printed by a printer with whom the United States has a subsisting contract and bond for such printing, and (c) on distinctive paper.

§ 107.22 Return of receipts before delivery of nuts.

Except as permitted by law or by this part, a warehouseman shall not deliver nuts for which he has issued a negotiable receipt until the receipt has been returned to him and canceled; and shall not deliver nuts for which he has issued a nonnegotiable receipt until such receipt has been returned to him, or he has obtained from the person lawfully entitled to such delivery, or his authorized agent, a written order therefor.

§ 107.23 Partial delivery of nuts.

If a warehouseman delivers a part only of a lot of nuts for which he has issued a negotiable receipt under the Act, he shall take up and cancel such receipt and issue a new receipt bearing the same lot number for the undelivered portion of the nuts. In addition to showing the information required by § 107.18, the new receipt shall also indicate the date and number of the receipt which it supersedes.

§ 107.24 Authority for delivery of nuts on nonnegotiable receipts.

Each person to whom a nonnegotiable receipt is issued shall furnish the warehouseman with a statement in writing indicating the person or persons having power to authorize delivery of nuts covered by such receipt, together with the bona fide signature of such person or persons. No licensed warehouseman shall honor an order for the release of nuts covered by a nonnegotiable receipt until he has first ascertained that the person issuing the order has authority to order such release and that the signature of the releasing party is genuine: Provided, That if the holder of such nonnegotiable receipts agrees in writing to hold blameless both the warehouseman and bondsman for any loss than might result from improper delivery through receipt of an unauthorized telegram, deliveries may be made on receipt of telegraphic orders to be followed immediately with usual confirmation order.

§ 107.25 Omission of grade; no compulsion by warehouseman.

No warehouseman shall, directly or indirectly, by any means whatever, compel or attempt to compel the depositor of any nuts, stored in his licensed warehouse, to request the issuance of a receipt omitting the statement of grade or other class.

§ 107.26 Persons authorized to sign receipts.

Each warehouseman shall file with the Department the name and genuine signature of each person authorized to sign warehouse receipts for the warehouseman, and shall promptly notify the Department of any changes as to persons authorized to sign and shall file the signatures of such persons, and each warehouseman shall be bound by such signatures the same as if he had personally signed the receipt.

§ 107.27 Canceled receipts; auditing.

Each warehouseman, when requested by the Service, shall forward his canceled receipts for auditing to such field offices of the Service as may be designated from time to time. For the purpose of this section, only such portion as the Service may designate of each canceled receipt, numbered to correspond with the actual receipt number need be submitted.

Duties of Licensed Warehousemen

§ 107.28 Nuts must be inspected and weighed.

(a) Except in case of identity preserved nuts when grade or other class is omitted at request of depositor, all nuts received into the warehouse shall be inspected and weighed by a licensed inspector and/or weigher and no receipt may be issued under the Act and the regulations in this part until the nuts covered by such receipt have been so inspected and weighed.

(b) When requested by the depositor of nuts the identity of which is to be preserved, a receipt omitting statement of grade or other class but not weight may be issued.

(c) Except as provided in § 107.41, all nuts delivered out of a warehouse must be weighed by a licensed weigher.

§ 107.29 Receipts; Basis for issuance.

Before issuing any receipt under the Act each warehouseman shall, unless he personally weighed, inspected, and graded, if graded, a lot of nuts, first obtain either a copy of, or the original weight certificate, and inspection certificate, if any, covering said lot of nuts. The warehouse records shall clearly identify the certificate(s) used as a basis for issuance of each warehouse receipt, and said inspection and weight certificate shall be kept on file as a record in the warehouseman's office. Such certificates shall be retained for a period of three years after December 31 of the year in which issued.

§ 107.30 Insurance requirements.

(a) Each licensed warehouseman, when so requested in writing as to any nuts by the depositor thereof or lawful holder of the receipt covering such nuts, shall, to the extent to which in the exercise of due diligence he is able to procure such insurance, keep such nuts while in his custody as a licensed warehouseman insured in his own name or arrange for insurance otherwise to the extent so requested against loss or damage by fire, lightning and tornado. When insurance is not carried in the warehouseman's name the receipts shall show that the nuts are not insured by the warehouseman. Such insurance shall be covered by lawful policies issued by one or more insurance companies authorized to do such business, and subject to service of process in suits brought, in the State where the warehouse is located. If the warehouseman is unable to procure such insurance to the extent requested, he shall, orally or by telegraph or by telephone and at his own expense, immediately notify the person making the request of the fact. Nothing in this section shall be construed to prevent the warehouseman from adopting a rule that he will insure all nuts stored in his warehouse.

(b) Each warehouseman shall keep exposed conspicuously in the place prescribed by § 107.8, and at such other place as the Administrator or his representative may from time to time designate a notice stating briefly the conditions under which the nuts will be insured against loss or damage by fire, lightning, and tornado.

(c) Each warehouseman shall, in accordance with his contracts with insurance and bonding companies for the purpose of meeting the insurance and bonding requirements of the regulations in this part, pay such premiums, permit such reasonable inspections and examinations, and make such reasonable reports as may be provided for in such contracts.

(d) Each warehouseman shall promptly take such steps as may be necessary and proper to collect any moneys which may become due under contracts of insurance entered into by him for the purpose of meeting the requirements of the regulations in this part, and shall, as soon as collected, promptly pay to the persons concerned any portion of such moneys which they may be entitled to receive from him.

§ 107.31 Care of nuts in warehouses.

Each warehouseman shall at all times exercise such care in regard to nuts in his custody as a reasonably careful owner would exercise under the same circumstances and conditions. Walnuts, filberts, and/or pecans stored under licensed receipts between March 31 and December 31, of the year following the year in which such walnuts, filberts, and/or pecans were harvested must be stored in a licensed cold-storage warehouse or room. The warehouseman shall maintain even temperature and humidity in licensed cold-storage space, with temperature not higher than 37° F., nor less than 32° F., and relative humidity not higher than 70 percent nor less than 55 percent at any time while nuts of any kind subject to this Act are in storage. Such licensed cold-storage warehouse or room shall be equipped with automatic recording instruments for temperature and relative humidity approved by the Administrator. Continuous records or charts of temperature and relative humidity shall be kept by the warehouseman.

§ 107.32 Care of nonlicensed nuts, or other commodities.

If at any time a warehouseman shall handle nuts other than for storage, or shall handle or store any other commodity, he shall so protect the same and otherwise exercise such care with respect to them as not to endanger the nuts in his custody as a licensed warehouseman, or impair his ability to meet his obligations and perform his duties under the Act and the regulations in this part. If the warehouseman shall store commodities other than those for which he is licensed, a nonlicensed receipt shall be issued. Under no circumstances shall any commodities for the storage of which the warehouseman is not licensed be stored if the storage of such commodities might adversely affect the commercial value of or impair the insurance on nuts covered by licensed receipts.

§ 107.33 Records to be kept in safe place.

Each warehouseman shall provide a metal fireproof safe, a fireproof vault, or a fireproof compartment in which he shall keep, when not in actual use, all records, books, and papers pertaining to the warehouse, including his current receipt book, copies of receipts issued, and canceled receipts, except that with the written consent of the Administrator, or his representative, upon a showing by such warehouseman that it is not practicable to provide such fireproof safe, vault, or compartment, he may keep such records, books, and papers in some other place of safety approved by the Administrator or his representative. Each canceled receipt shall be retained by the warehouseman for a period of six years after December 31, of the year in which the receipt is canceled and for such longer period as may be necessary for the purpose of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the Act. Canceled receipts shall be arranged by the warehouseman in numerical order and otherwise in such manner as shall be directed, for purposes of audit, by authorized officers or agents of the Department of Agriculture.

§ 107.34 Warehouse charges.

A warehouseman shall not make unreasonable or exorbitant charge for service rendered. Before a license to conduct a warehouse is granted under the Act the warehouseman shall file with the Service a copy of his rules and a schedule of charges to be made by him if licensed. Before making any change in such rules or schedule of charges, he shall file with the Service a statement in writing showing the proposed change and the reasons therefor. Each warehouseman shall keep exposed conspicuously in the place prescribed by § 107.8, and at such other places, accessible to the public, as the Administrator or his representative may from time to time designate, a copy of his current rules and schedule of charges.

§ 107.35 Numbered tags to be attached to packaged nuts.

Each warehouseman shall, upon acceptance of any lot of nuts in packages or sacks for storage, immediately stencil or mark an identification number or mark on each such package in the lot and attach to such lot a tag of good quality which shall identify the lot. Such tag shall show the lot number, the identification mark on each package, the number of the receipt issued to cover such nuts, the number of packages or sacks in the lot, the kind and type of the nuts, the grade if determined, and the gross weight of the nuts at the time they entered storage.

§ 107.36 Identification tag on stored nuts.

Each warehouseman shall so store each lot of nuts for which a receipt under the Act has been issued that the tag thereon, required by § 107.35 is visible and readily accessible, and shall arrange all packages in his licensed warehouse so as to permit an accurate count thereof and to facilitate sampling of the nuts and inspection for condition.

§ 107.37 Bulk nuts; grade or other class and weights.

Each licensed warehouseman shall accept all nuts for storage and shall deliver out of storage all bulk nuts, other than specially binned or sacked nuts, in accordance with the grade or other class of such nuts as determined by a person duly licensed to inspect such nuts and to certificate the grade or other class thereof, and in accordance with the weights of such nuts as determined by a person duly licensed to weigh such nuts and to certificate the weight thereof, under the Act and the regulations in this part.

§ 107.38 Identity-preserved nuts; bulk storage.

Upon the acceptance by a licensed warehouseman, for storage, in his licensed warehouse, of any lot of bulk nuts the identity of which is to be preserved, he shall store, or cause to be stored, such nuts in an individual bin or compartment designated by lot or cargo numbers, or letters, numbers or other clearly distinguishable words or signs, permanently and securely affixed thereto, or shall so mark the container or containers of such nuts, or so place the nuts in the warehouse, that their identity will not be lost during the storage period.

§ 107.39 Delivery of bulk nuts.

Except as may be provided by law or the regulations in this part, each licensed warehouseman, (a) upon proper presentation of a receipt for any bulk, other than specially binned nuts, and upon payment or tender of all advances and legal charges, shall deliver to such depositor or lawful holder of such receipt nuts of the grade or other class and quantity specified in such receipt, and (b) upon proper presentation of a receipt for any nuts, the identity of which was to have been preserved during the storage period, and upon payment or tender of all advances and legal charges, shall deliver to the person lawfully entitled thereto, the identical nuts stored in his licensed warehouse.

§ 107.40 Removal of nuts from storage; conditions.

Except as may be permitted by law or the regulations in this part, a licensed warehouseman shall not remove any nuts for storage from the licensed warehouse or the part thereof designated in the receipt for such nuts until such receipt is first surrendered and canceled. If it becomes absolutely necessary to remove the nuts prior to the surrender of the receipts in order to protect the interests of holders of the receipts, the warehouseman shall notify the Administrator of such removal and the necessity therefor.

§ 107.41 Loading out without weighing.

When the lawful owner of an entire lot of identity preserved nuts requests the warehouseman to deliver said lot without reweighing said nuts, the warehouseman may make such delivery if there is an accurate record of the weight of such nuts when received. Such deliveries shall be made only when the lawful owner agrees to assume all shortages and other risks incidental thereto, and after the warehouse receipts covering all of

the nuts in the lot have been surrendered to the warehouseman and canceled.

§ 107.42 Business hours.

(a) Each licensed warehouse shall be kept open for the purpose of receiving nuts for storage and delivering nuts out of storage every business day for a period of not less than six hours between the hours of 8 a.m. and 6 p.m., except as provided in paragraph (b) of this section. The warehouseman shall keep conspicuously posted on the door of the public entrance to his office and to his warehouse a notice showing the hours during which the warehouse will be kept open, except when such warehouse is kept open continuously from 8 a.m. to 6 p.m.

(b) In case the warehouse is not to be kept open as required by paragraph (a) of this section, the notice posted as prescribed in paragraph (a) of this section shall state the period during which the warehouse is to be closed and the name of an accessible person, with the address where he is to be found, who shall be authorized to deliver nuts stored in such warehouse, upon lawful demand by the depositor thereof or the holder of the receipt therefor, as the case may be.

§ 107.43 System of accounts.

Each licensed warehouseman shall use for his licensed warehouse a system of accounts, approved for the purpose by the Administrator, which shall show for each lot of nuts, the name of the depositor, the weight of the nuts, the number of packages in each lot, the grade or other class when grade is required to be, or is, ascertained, the location, the dates received for and delivered out of storage and the receipts issued and canceled, a separate record for each depositor and such accounts shall include a detailed record of all moneys received and disbursed and of all effective insurance policies. In the case of nuts stored in packages, the tag number mentioned in § 107.35 shall be shown. Such records shall be retained by the warehouseman for a period of six years after December 31 of the year in which created, and for such longer period as may be necessary for the purposes of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the Act.

§ 107.44 Reports.

Each licensed warehouseman shall, from time to time, when requested by the Administrator, make such reports, on forms prescribed and furnished for the purpose by the Service, concerning the condition, contents, operation, and business of the warehouse as the Administrator may require.

§ 107.45 Copies of reports to be kept.

Each warehouseman shall keep on file, as a part of the records of the warehouse, for a period of three years after December 31 of the year in which submitted, an exact copy of each report submitted by such warehouseman under the regulations in this part.

§ 107.46 Inspections; examinations of warehouses.

Each licensed warehouseman shall permit any officer or agent of the Department of Agriculture, authorized by the Secretary for the purpose, to enter and inspect or examine, on any business day during the usual hours of business, any warehouse for the conduct of which such warehouseman holds a license, the office thereof, the books, records, papers, and accounts relating thereto, and the contents thereof, and such warehouseman shall furnish such officer or agent the assistance necessary to enable him to make any inspection or examination under this section.

§ 107.47 Weighing, testing, measuring apparatus; inspection.

The apparatus used for determining the weight, quantity, or quality stated in a receipt or certificate shall be subject to examination by any officer or agent of the Department of Agriculture employed for such purpose. If the Service shall disapprove such apparatus, it shall not thereafter, unless such disapproval be withdrawn, be used in ascertaining the weight, quantity, or quality of nuts for the purposes of the Act and the regulations in this part.

§ 107.48 Warehouse to be kept clean.

Each licensed warehouseman shall keep his warehouse clean and free from trash, dust, rubbish, or accumulations of materials that will increase the fire hazard or interfere with the handling of nuts.

§ 107.49 Signs of tenancy; posting.

(a) Each licensed warehouseman operating a "field" or "custodian" warehouse shall, during the life of his license, maintain suitable signs on the licensed property in such a manner as will give ample notice of his tenancy of all buildings or parts thereof included in his license.

(b) Such signs shall be of appropriate size and design and shall include the following: (1) The name of the licensee, (2) the license number of the warehouse, (3) whether the warehouseman is owner or lessee, and (4) the words "public warehouse."

(c) Such other wording or lettering may appear in the sign or signs not inconsistent with the purpose of the Act and the regulations in this part, subject to the approval of the Service.

(d) Upon the expiration of his license, or during periods of suspension thereof, the warehouseman shall immediately remove such signs or portions thereof as may convey the impression that the warehouse is licensed.

(e) The warehouseman shall not permit any signs to remain on his licensed property which might lead to confusion as to the tenancy.

§ 107.50 Excess storage.

If at any time a warehouseman shall store nuts in his warehouse in excess of the capacity for which it is licensed, such warehouseman shall immediately notify the Service of such excess storage, the reason therefor, and the location thereof.

§ 107.51 Deteriorating nuts; handling.

(a) If the licensed warehouseman, with the approval of the licensed inspector, shall determine that any nuts are deteriorating and that such deterioration cannot be stopped, the licensed warehouseman shall give immediate notice of the fact, in accordance with paragraphs (b) and (c) of this section.

(b) Such notice shall state (1) the warehouse in which the nuts are stored; (2) the quantity, kind, and grade or other class of the nuts at the time the notice is given; (3) the actual condition of the nuts as nearly as can be ascertained, and the reason, if known, for such condition; (4) the outstanding receipts covering the amount of nuts out of condition, giving the number and date of each such receipt and the quantity, the kind, and grade or other class of the nuts as stated in each such receipt; and (5) that such nuts will be delivered upon the return and cancellation of the receipts therefor.

(c) A copy of such notice shall be delivered in person or shall be sent by mail (1) to the persons holding the receipts, if known to the licensed warehouseman; (2) to the person who originally deposited the nuts; (3) to any persons known by the licensed warehouseman to be interested in the nuts; and (4) to the Administrator. If the holders of the receipts and owners of the nuts are known to the licensed warehouseman and cannot, in the regular course of the mails, be reached within 12 hours, the licensed warehouseman shall, whether or not requested so to do, also immediately notify such persons by telegraph or telephone at their expense.

(d) Public notice shall also be given by posting a copy of such notice at the place where the warehouseman is required to post his license. A copy of such notice shall be kept as a record of the warehouse.

(e) Any person, interested in any nuts or the receipt covering such nuts stored in a licensed warehouse, may, in writing, notify the licensed warehouseman conducting such licensed warehouse, of the fact of his interest, and such licensed warehouseman shall keep a record of the fact. If such person requests in writing that he be notified regarding the condition of any such nuts and agree to pay the cost of any telegraph or telephone toll charge, such licensed warehouseman shall notify such person in accordance with such request.

(f) Nothing contained in this section shall be construed as relieving the licensed warehouseman from properly caring for any nuts after notification of their condition in accordance with this section.

(g) Records required to be kept in this section shall be retained, as a part of the records of the warehouse, for a period of six years, after December 31 of the year in which created, and for such longer period as may be necessary for the purposes of any litigation which the warehouseman knows to be pending, or as may be

required by the Administrator in particular cases to carry out the purposes of the Act.

§ 107.52 Sale at public auction.

If the nuts, advertised in accordance with the requirements of § 107.51 have not been removed from storage by the owner thereof within 5 days from the date of notice of their being out of condition, the licensed warehouseman in whose licensed warehouse such nuts are stored may sell the same at public auction at the expense and for the account of the owner after giving 10 days' notice in the manner specified in § 107.51(c).

§ 107.53 Compliance with contracts.

Each warehouseman shall faithfully perform such obligations as a warehouseman as may be assumed by him under contracts with depositors of nuts in his warehouse.

§ 107.54 Fire loss to be reported by wire.

If at any time a fire shall occur at or within any licensed warehouse, it shall be the duty of the warehouseman to report immediately by wire or by telephone to the Administrator the occurrence of such fire and the extent of damage.

§ 107.55 Grade-weight certificate; filing.

When an inspection or weight certificate has been issued by a licensed inspector or weigher, a copy of such certificate shall be filed with the warehouseman in whose warehouse the nuts covered by such certificate are stored, and such certificate shall become a part of the records of the licensed warehouseman. Such certificates shall be retained, as a part of the records of the warehouse, for a period of three years after December 31 of the year in which the certificates are issued.

Fees

§ 107.56 Warehouse license fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license or amendment thereto issued to an inspector and/or weigher, except that no fee shall be charged for issuance of a license to an inspector who holds an unsuspended and unrevoked license under the Agricultural Marketing Act of 1946 and regulations thereunder to inspect and grade any nuts and to certificate the grade or other class thereof.

§ 107.57 Warehouse inspection fees.

There shall be charged and collected for each original inspection of a warehouse under the Act, when such inspection is made upon application of a warehouseman, a fee based on the storage capacity of the warehouse, determined in accordance with § 107.6 and at the rate of $5 for each 100 tons, or fraction thereof, of peanuts, and $10 for each 1,000 hundredweight, or fraction thereof, of other nuts, to be stored in the warehouse, but in no case less than $40 nor more than $600, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection proportioned to, but not greater than, that prescribed for the original inspection.

§ 107.58 Advance deposit.

Before any warehouseman's license or amendment thereto or any weigher's, or inspector's license is granted, or an original examination or inspection, or re-examination or reinspection, applied for by a warehouseman, is made, pursuant to the regulations in this part, the warehouseman and/or weigher, or inspector, shall deposit with the Service the amount of the fee prescribed therefor. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post-office or express money order, payable to the order of the Agricultural Marketing Service, USDA.

§ 107.59 Return of excess deposit.

The Treasurer of the United States shall hold in his custody each advance deposit made under § 107.58 until the fee, if any, is assessed and he is furnished by the Service with a statement showing the amount thereof and against whom assessed. Any part of such advance deposit which is not required for the payment of any fee assessed shall be returned to the party depositing the same.

Inspectors and Weighers

§ 107.60 Inspectors' and weighers' applications.

(a) Application for licenses to inspect and grade or to weigh nuts under section 11 of the Act shall be made to the Administrator on forms furnished for the purpose by him. Each application shall be in English, shall be signed by the applicant, and shall contain or be accompanied by a statement from the warehouseman for whom the applicant will inspect, grade, or weigh nuts under the Act, showing whether the applicant is competent and is acceptable to such warehouseman for the purpose.

(b) Each inspector's application shall contain—

(1) Evidence that he can correctly grade nuts in accordance with the official standards of the United States, or in the absence of such standards in accordance with any standards approved by the Administrator, and

(2) Satisfactory evidence that he will be provided with such means or facilities for inspecting and grading nuts as may be deemed necessary, for use in the locality in which the applicant expects to perform services as a licensed inspector.

(c) In lieu of compliance with the requirements of paragraph (b) of this section, the license applied for may be granted whenever such applicant furnishes satisfactory evidence that he holds an effective license under the Agricultural Marketing Act of 1946 and regulations thereunder, to inspect and grade such nuts and to certificate the grade or other class thereof.

(d) Applications for licenses to weigh nuts shall be on forms furnished for the purpose by the Administrator and shall give such information as will show the applicant's experience in weighing nuts.

(e) A single application may be made by any person for a license as both inspector and weigher upon complying with the requirements of this section.

(f) An applicant shall at any time furnish such additional information as the Department shall find to be necessary to the consideration of his application.

§ 107.61 Examination of applicant.

Each applicant for license as an inspector or weigher and each inspector or weigher shall, whenever requested by an authorized agent of the Department, submit to an examination or test to show his ability properly to inspect and grade or to weigh nuts.

§ 107.62 Posting of license.

Each inspector or weigher shall keep his license conspicuously posted in a place designated for the purpose by the Service.

§ 107.63 Duties of inspectors and weighers.

Each inspector and each weigher whose license remains in effect shall, without discrimination, as soon as practicable, and upon reasonable terms, inspect, grade or weigh and certificate the grade or other class or weight of nuts, stored or to be stored, in a warehouse, for which he holds a license, if such nuts be offered to him under such conditions as permit proper inspection and weighing and the determination of the grade or other class or weight thereof. No inspector shall issue a certificate of grade or other class for any nuts unless the inspection thereof be based upon a correct and representative sample of the nuts.

§ 107.64 Inspection certificate; form.

(a) Except as provided in paragraph (b) of this section, each inspection certificate issued under the Act by an inspector shall be in a form approved for the purpose by the Department, and shall embody the following information within its written or printed terms:

(1) The caption "United States Warehouse Act, Nut Inspection Certificate".

(2) Whether it is an original, a duplicate, or other copy, and that it is not negotiable.

(3) The name and location of the warehouse in which the nuts are or are to be stored.

(4) A statement showing whether the inspection covers nuts moving into or out of the warehouse.

(5) The date of the certificate.

(6) The consecutive number of the certificate.

(7) The approximate amount of nuts covered by the certificate.

(8) The kind of nuts covered by the certificate.

(9) The grade or other class of the nuts, as determined by such licensed inspector, in accordance with § 107.75, and,

in the case of nuts for which no official nut standards of the United States are in effect, the standard or description in accordance with which such nuts are graded.

(10) A statement that the certificate is issued by an inspector licensed under the United States Warehouse Act and the regulations thereunder.

(11) The signature of the inspector who insepcted and graded the nuts.

In addition, the inspection certificate may include any other matter not inconsistent with the Act or the regulations in this part, provided the approval of the Service is first secured.

(b) In lieu of the inspection certificate provided for in the preceding paragraph, each inspector, who holds an unsuspended and unrevoked license under the Agricultural Marketing Act of 1946 and regulations thereunder to inspect and grade any nuts and to certificate the grade or other class thereof for shipment or delivery for shipment in interstate or foreign commerce, shall, unless otherwise requested as to any such nuts by the owner or depositor thereof, issue a certificate of grade or other class covering such nuts in accordance with the Agricultural Marketing Act of 1946 and regulations thereunder. Such nuts shall be deemed to be inspected and graded and such certificate of grade or other class shall be deemed to be an inspection certificate for the purposes of the Act and the regulations in this part.

§ 107.65 Copies of inspection certificates to be accessible.

Each inspector shall, as soon as possible after inspecting any nuts and not later than the close of business on the next following business day, make accessible to the parties interested in a transaction in which the nuts are involved at the place designated in § 107.62 a true copy of the inspection certificate issued by him for such nuts or a record of each lot or parcel of nuts inspected or graded by such licensed inspector showing the information contained on such inspection certificate.

§ 107.66 Weight certificate; form.

Each weight certificate issued under the Act by a weigher shall be in a form approved for the purpose by the Service, and shall embody the following information within its written or printed terms:

(a) The caption "United States Warehouse Act, Nut Weight Certificate".

(b) Whether it is an original, a duplicate, or other copy, and that it is not negotiable.

(c) The name and location of the warehouse in which the nuts are or are to be stored.

(d) Whether the nuts are weighed into or out of the warehouse.

(e) The date of the certificate.

(f) The consecutive number of the certificate.

(g) The gross weight of the nuts.

(h) A statement that the certificate is issued by a weigher licensed under the United States Warehouse Act and the regulations thereunder, and

(i) The signature of the weigher.

In addition, the weight certificate may include any other matter not inconsistent with the Act or the regulations in this part provided the approval of the Service is first secured.

§ 107.67 Combination grade and weight certificate.

The grade or other class and weight of any nuts ascertained by an inspector and a weigher, may be stated on a certificate meeting the combined requirements of §§ 107.64–107.66, if the form of such certificate shall have been approved for the purpose of the Service.

§ 107.68 Copies of certificates to be kept.

Each inspector and each weigher shall keep for a period of one year in a place accessible to interested parties a copy of each certificate issued by him under the regulations in this part, and shall file a copy of each such certificate with the warehouse in which the nuts covered by the certificates are stored.

§ 107.69 Licensees to permit examinations of records.

Each inspector and each weigher shall permit any authorized officer or agent of the Department to inspect or examine on any business day during the usual hours of business, his books, papers, records, and accounts relating to the performance of his duties under the Act and this part, and shall, with the consent of the warehouseman concerned, assist any such officer or agent in the inspection or examination mentioned in § 107.46 as far as any such inspection or examination relates to the performance of the duties of such inspector or weigher under the Act and the regulations in this part.

§ 107.70 Reports by licensees.

Each inspector and each weigher shall, from time to time, if requested by the Service, make reports, on forms approved for the purpose by the Service, bearing upon his activities as such inspector or weigher.

§ 107.71 Licenses; suspension or revocation.

Pending investigation, the Secretary, may whenever he deems necessary, suspend the license of an inspector or weigher temporarily without hearing. Upon a written request or a satisfactory statement of reasons therefor, submitted by the inspector or weigher, the Secretary or his designated representative may without hearing, suspend or revoke the license issued to such inspector or weigher. The Secretary may, after opportunity for hearing has been afforded in the manner prescribed in this section, suspend or revoke a license issued to an inspector or a weigher when such licensee, (a) has ceased to perform services as such inspector or weigher, or (b) has in any other manner become incompetent or incapacitated to perform the duties of such inspector or weigher. As soon as it shall come to the attention of a warehouseman that either of the conditions mentioned under (a) or (b) of this section exists, it shall be the duty of such warehouseman to notify the Service in writing. Before the license of any inspector or weigher is permanently suspended or revoked pursuant to section 12 of the Act, such inspector or weigher shall be furnished by the Secretary a written statement specifying the charges and shall be allowed a reasonable time within which he may answer the same in writing and apply for a hearing, an opportunity for which shall be afforded in accordance with § 107.82.

§ 107.72 Suspended or revoked license; returns; termination of license.

(a) In case a license issued to an inspector or weigher is suspended or revoked by the Secretary, such license shall be returned to the Secretary. At the expiration of any period of suspension of such license, unless in the meantime it be revoked, the dates of the beginning and termination of the suspension shall be indorsed thereon, it shall be returned to the inspector or weigher to whom it was originally issued and it shall be posted as prescribed in § 107.62.

(b) Any license issued under the Act and the regulations in this part to an inspector or weigher shall automatically be suspended as to any warehouse whenever the license of such warehouse shall be suspended and shall automatically terminate as to any warehouse whenever the license of such warehouse shall be revoked. Upon either suspension or termination of any inspector's or weigher's license under this paragraph, such license shall be returned to the Department. In case such license shall apply to other warehouses, the Secretary shall issue to the licensee a new license, omitting the names of the warehouses for which licenses have been revoked or suspended. Such new license shall be posted as prescribed in § 107.62.

§ 107.73 Lost or destroyed licenses.

Upon satisfactory proof of the loss or destruction of a license issued to an inspector or weigher, a duplicate thereof may be issued under the same number, in the discretion of the Secretary.

§ 107.74 Unlicensed inspectors and weighers.

No person shall in any way represent himself to be an inspector or weigher licensed under the Act unless he holds an unsuspended and unrevoked license issued under the Act.

Nut Grading

§ 107.75 Classification; statement.

Whenever the type or grade, or other class of nuts is required to be or is stated for the purposes of the Act and the regulations in this part, it shall be stated in accordance with § 107.77.

§ 107.76 Grades based on inspection and sample.

Whenever the grade of nuts is required to be or is stated for the purposes of the Act or the regulations in this part, it shall be based upon a correct and repre-

sentative sample of the nuts and the inspection and grading thereof shall be made under conditions which permit the determination of its true grade or other class.

§ 107.77 Standards to be used.

Until grades for any kind of nuts are officially promulgated by the Secretary, the grade of nuts for which no official nut standards of the United States are in effect, shall be stated (a) in accordance with the standards, if any, adopted by the local board of trade, chamber of commerce, or by the nut trade generally in the locality in which the warehouse is located, subject to the approval of the Service, or (b) in the absence of the standards mentioned in (a) of this section, in accordance with any standards approved for the purpose by the Service.

(a) If a question arises as to whether the kind, grade, or condition of nuts was correctly stated in a receipt or inspection certificate issued under the Act or the regulations in this part, the warehouseman concerned or any person financially interested in the nuts involved may, after reasonable notice to the other party, submit the question to the Administrator, who may appoint a committee to make a determination. The decision of the committee shall be final unless the Administrator shall direct a review of the question. Immediately upon making its decision, the committee shall issue a certificate embodying its findings to the appellants and to the licensee or licensees involved.

(b) If the decision of the committee be that kind, grade, or condition was not correctly stated, the receipt or certificate involved shall be returned to and be canceled by the licensee who issued it, and the licensee shall issue in lieu thereof a new receipt or certificate embodying therein the statement of kind, grade, or condition in accordance with the findings of the committee.

(c) All necessary and reasonable expenses of such determination shall be borne by the losing party, unless the Administrator or his representative shall decide that the expense shall be prorated between the parties.

Miscellaneous

§ 107.79 Bond requirements; State warehouses.

Every person applying for a license or licensed under section 9 of the Act shall, as such be subject to all portions of this part so far as they may relate to warehousemen. If there is a law of any State providing for a system of warehouses owned, operated, or leased by such State, a person applying for a license under section 9 of the Act, to accept the custody of nuts and to store the same in any of said warehouses, may, in lieu of a bond or bonds, complying with §§ 107.13 and 107.14, file with the Secretary a single bond meeting the requirements of the Act and the regulations in this part, in such form and in such amount not less than $5,000, as he shall prescribe, to insure the performance by such person with respect to the acceptance of the custody of nuts and their storage in the warehouses in such system for which licenses are or may be issued, of his obligations arising during the periods of such licenses, and in addition, if desired by the applicant, during the periods of any modifications or extensions thereof. In fixing the amount of such bond, consideration shall be given, among other appropriate factors, to the character of the warehouses involved, their actual or contemplated capacity, the bonding requirements of the State, and its liability with respect to such warehouses. If the Secretary shall find the existence of conditions warranting such action, there shall be added to the amount of the bond so fixed a further amount, fixed by him, to meet such conditions.

§ 107.80 Publications.

Publications under the Act and the regulations in this part, shall be made in such media as deemed proper by the Administrator.

§ 107.81 Information of violations.

Every person licensed under the Act shall immediately furnish the Administrator any information which comes to the knowledge of such persons tending to show that any provision of the Act or the regulations in this part has been violated.

§ 107.82 Procedure in hearings.

For the purpose of hearings under the Act or the regulations in this part, except those relating to appeals or arbitrations, the licensee involved shall be allowed a reasonable time within which affidavits and other proper evidence may be submitted. If requested by the licensee within such time, an oral hearing, of which reasonable notice shall be given, shall be held before, and at a time and place fixed by an official authorized by the Secretary. The testimony of the witnesses at such oral hearing shall be upon oath or affirmation administered by the official before whom the hearing is held, when required by him. Such oral hearing may be adjourned by such official from time to time. After reasonable notice to all parties concerned, the deposition of any witness may be taken at a time and place and before a person designated for the purpose by the official before whom the hearing is held. Every written entry in the records of the Department made by an officer or employee thereof in the course of his official duty, which is relevant to the issue involved in a hearing, shall be admissible as prima facie evidence of the facts stated therein without the production of such officer or employee. Copies of all papers and all the evidence submitted or considered in such hearing shall be made a part of the records of the Department. At the end of the oral hearing, the parties shall be afforded an opportunity to file proposed findings of the fact, conclusions of law, and orders, after which the official before whom the hearing is held shall prepare his report including his recommended findings of fact, conclusions of law, and order, which shall be served upon the parties, who may file exceptions thereto within a time specified by such official. After the expiration of such time, such report together with any proposed findings of fact, conclusions of law, and orders, and exceptions filed by the parties shall be transmitted to the Secretary for consideration. Each party shall pay all expenses contracted by him in connection with any hearing under this section.

§ 107.83 One document and one license to cover several products.

A license may be issued for the storage of two or more agricultural products in a single warehouse. Where such a license is desired a single application, inspection, bond, record, report or other paper, document or proceeding relating to such warehouse, shall be sufficient unless otherwise directed by the Administrator.

§ 107.84 Bond, assets, and fees for combination warehouse.

Where such license is desired, the amount of the bond, net assets, and inspection and license fees shall be determined by the Administrator in accordance with the regulations applicable to the particular agricultural product which would require the largest bond and the greatest amount of net assets and of fees if the full capacity of the warehouse was used for its storage.

§ 107.85 Amendments.

Any amendment to, or revision of, the regulations in this part, unless otherwise stated therein, shall apply in the same manner to persons holding licenses at the time it becomes effective as it applies to persons thereafter licensed under the Act.

NOTE.—The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[FR Doc.76-17614 Filed 6-16-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

[Docket No. 76P-0128]

CHEESE, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS AND RELATED FOODS

Italian Cheeses; Optional Use of Safe and Suitable Antimycotics and Label Declaration of Optional Ingredients; Correction

In FR Doc. 76-14656 appearing at page 20690 in the FEDERAL REGISTER of Thursday, May 20, 1976, the following correction is made: In the third column of the preamble, in the first full paragraph, the reference to "§ 1.10 (21 CFR 1.10)" is changed to read "§ 10.1 (21 CFR 10.1)."

Dated: June 7, 1976.

A. C. KOLBYE,
Acting Director,
Bureau of Foods.

[FR Doc.76-17611 Filed 6-16-76;8:45 am]

Social and Rehabilitation Service

[45 CFR Part 248]

MEDICAL ASSISTANCE PROGRAM

Residence Requirements in the Medical Assistance Program; Intent To Issue Proposed Rule

Notice is hereby given that the Acting Administrator, Social and Rehabilitation Service, is requesting comments from all interested States, organizations and individuals on possible changes needed in Federal regulations on State residence requirements in the Medicaid program (title XIX, Social Security Act). A particular focus of concern is the determinations of the State of residence of persons who enter long-term care institutions outside the State where they have previously lived.

Although States may not impose specific time requirements for State residence for Medicaid eligibility purposes, they may require that a person be a resident of the State. The Service is aware of a number of situations that are not clearly addressed under current Federal regulations (45 CFR 248.40). In some instances, eligibility for those otherwise qualified has been denied by the State in which an institutionalized person was located on grounds that residency in a medical institution, in itself, is not voluntary or permanent, that the individual did not previously possess an "ordinary" residence in the State in question, and that the individual is unable to express a definitive statement of intent sufficient to satisfy the State. On the other hand, the State of residence prior to institutionalization claims that the individual "abandoned" residence there by going to a long-term care facility in another State. Thus, otherwise eligible recipients are left without Medicaid coverage in any State. The following examples of medical assistance being denied because of differing and sometimes conflicting State policies underscore problems in determining residency for the institutionalized:

1. Retarded children—otherwise title XIX eligible—are denied medical assistance by their parents' home State on the ground that they have permanently left their States for care in an intermediate care facility in another State. The State in which the institution is located can deny residency to such persons because, as retardates, they cannot form the necessary intent to voluntarily change residence and thus are determined to remain in the responsibility of the home State.

2. An individual in State A plans to move to State Y to be near relatives. Upon arrival in State Y, she is seriously injured before reaching her intended destination, lapsing into a coma for several months, and incurring large bills for hospitals and nursing home care. State A refuses to pay her bills because she has "abandoned" residence at the time she boarded the plane. State Y denies eligibility because she has never arrived at the relative's home so as to establish a permanent residence.

3. An individual moves to State D and resides with her daughter and son-in-law for some time; she officially notifies appropriate government agencies of her new address (her daughter's home). Requiring nursing home placement, she is unable to locate a facility with an open bed in that State and has to be placed in State E. After five years, she and her relatives have used up their savings in paying for her care and she applies for Medicaid coverage in State D. It is denied on the grounds that her long absence in a facility in State E constitutes abandonment of residence in State D, even though for all other purposes, such as social security benefits, her address continues to be in State D. State E also denies eligibility, on the grounds that, as a patient in a medical facility who has never "normally" resided in State E, she has not acquired residence there.

The Service wishes to revise the regulations to ensure, as far as practicable, that applicants for medical assistance who are in long-term care institutions are treated in the same manner as other applicants. A policy is needed which would protect States against an influx of high-cost patients not desiring residency in the State where they happen to be institutionalized, and at the same time protect patients against loss of residence in one State before they can acquire it in the other State where they are institutionalized. Suggestions for this purpose are invited, along with comments on such possible clarifying changes as the following:

1. The reference in present regulations to an individual's intention to "make his home" in the State has been interpreted by some as indicating an ability to undertake homemaking. Such an ability is inapplicable to persons requiring long-term care. The current statement could be replaced by a general principle establishing residence as (a) "Voluntary physical presence in a State and an individual's statement that he has no present plan to remove therefrom" and include a specific provision that, "for institutionalized persons, the State in which the institution is located shall be the State of residence for Title XIX purposes," or (b) the latter could be qualified with a statement that if the individual planned to return to the State he left in order to enter the institution, that State would be responsible for his medical care, or (c) for institutionalized persons, the State of last residence would remain responsible until the State in which the person is institutionalized accepts the person as a resident.

2. The provision "Residency may not depend upon the reason for which the individual entered the State, except insofar as it may bear upon whether he is there voluntarily or for a temporary purpose" has been read to support characterizations of presence in a nursing home as involuntary presence for temporary purposes; this often had the effect of denying medical care to persons otherwise eligible. The provision could be deleted if a satisfactory method of determining residence for nursing home patients is developed.

3. Under the current regulations, the language relating to "abandonment" has led to situations where residency in the former State could be "lost" before residence could be established in the new State. This language could be replaced by a statement that an individual retains his current State of residence until he establishes residence outside that State.

Consideration will be given in designing proposed regulatory changes to written comments and suggestions on this issue addressed to the Acting Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, and received on or before August 16, 1976.

Such comments will not be acknowledged but will be available for public inspection in Room 5223 of the Department's offices at 330 C Street, S.W., Washington, D.C., beginning approximately two weeks after publication of this Notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-245-0950).

This invitation to submit suggestions is being issued for the purpose of obtaining the broadest participation possible in drafting regulatory revisions. Any such changes developed by the Service will be published in the regular manner as a Notice of Proposed Rule Making with a period for comment by all interested parties.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13714, Medical Assistance Program)

Dated: June 10, 1976.

M. KEITH WEIKEL,
Acting Administrator, Social and Rehabilitation Service.

[FR Doc.76-17623 Filed 6-16-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Ch. I]

[CGD 75-112]

NEW ORLEANS VESSEL TRAFFIC SERVICE

Advance Notice of Proposed Rulemaking

The Coast Guard plans to establish a Vessel Traffic Service (VTS) on the lower Mississippi River including the Mississippi River Gulf Outlet in April 1977. The Coast Guard has identified the area as especially hazardous and the potential value of a VTS has been established. Regional Coast Guard authorities, with the help of an ad hoc steering committee which included members of the maritime industry, have developed proposed operating regulations. The purpose of this advance notice of proposed rulemaking is to solicit comments on the proposed operating regulations from

all interested persons for incorporation into the notice of proposed rulemaking.

Interested persons are invited to participate in this proposed rulemaking by submitting written comments to the Commandant (G-CMC/81), U.S. Coast Guard, Washington, DC 20590. Written comments should include the docket number of this notice (CGD 75-112), the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed. Two or more copies of comments submitted are encouraged. Suggested new or different regulations will be welcome. All relevant communications received on or before August 2, 1976, will be fully considered before further action is taken on this proposal. The proposal may be changed in light of the comments received; however, acknowledgement of individual comments will not be made. Copies of all written comments will be available for examination in Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C.

There are approximately 270,000 vessel transits annually in the New Orleans area, about ⅓ of which are tank ships and tank barges. About 140 million tons of petroleum, chemical and petrochemical products are handled yearly. The Coast Guard has designated 22 area terminals as facilities of particular hazard as described in 33 CFR 126.05(b). Thus we have numerous potentially dangerous cargos transiting a confined waterway which borders on many vulnerable facilities and is close to a major population center.

In assessing the traffic management needs for this area, a detailed casualty analysis was performed for fiscal years 1969 through 1972. During the study period, 692 vessels were involved in collisions, rammings and groundings. The average annual toll was seven dead, almost 5 million dollars in vessel loss and damage, and four pollution incidents. For the purposes of this analysis, the Mississippi River was divided into four sectors:

I Passes to Mile 14 (Venice)

II Mile 14 to Mile 80 (Twelve Mile Pt.)

III Mile 80 to Mile 129

IV Mile 129 to Mile 259 (Baton Rouge)

The following results were obtained:

Sector I—72 cases involving 117 vessel casualties were reviewed: 13 cases (32 vessels) where considered preventable by VTS.

Sector II—29 cases involving 63 vessel casualties were reviewed; 10 cases (27 vessels) were considered preventable by VTS.

Sector III—137 cases involving 384 vessel casualties were reviewed; 38 cases (124 vessels) were considered preventable by VTS.

Sector IV—55 cases involving 128 vessel casualties were reviewed; 19 cases (62 vessels) were considered preventable by VTS. Overall, the results of the analysis projected that approximately 35% of the vessel casualties would have been prevented by a VTS.

The draft VTS regulations as received from the Commander, 8th Coast Guard District, New Orleans, are as follows:

1. Purpose and Applicability.

a. This subpart prescribes rules for vessel operation in the New Orleans Vessel Traffic Service Area (VTS Area) to prevent collisions and to protect the navigable waters of the VTS Area from environmental harm.

b. The regulations of this subpart apply to the operation of all vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Act and the following:

(1) All towboats and tugboats of twenty-six feet or over in length, not engaged in towing.

(2) Ferry vessels (i.e., a boat or other craft used in conveying people, cars, or merchandise across a river or other narrow extent of water.)

(3) Water taxis.

(4) The following vessels, when their length is twenty six feet or over, engaged in the support of the oil and mineral industries:

(a) Crewboats.

(b) Supply boats.

(c) Mudluggers.

(5) All vessels subject to the Code of Federal Regulations, Title 46, Chapter I, Subchapter T—Small Passenger Vessels (under 100 Gross Tons).

(6) All public vessels. Additionally, all other vessels equipped with VHF-FM maritime mobile band communications equipment (156-162 megahertz) are invited and encouraged to participate.

2. Definitions—As used in this subpart—

"Vessel Traffic Service Area" (VTS Area) means the area described in section 6 of this subpart.

"Vessel Traffic Center" (VTC) means the Coast Guard manned shore facility that operates the New Orleans Vessel Traffic Service.

"Vessel Traffic Service Sector" (VTS Sector) means one of the geographic subdivisions into which the VTS Area is divided as designated in the Operating Manual.

"Vessel" means (for the purpose of this subpart) any ship, boat, dredge, floating plant or non-descript vessel which is required to participate in the New Orleans Vessel Traffic Service.

"Person" includes an individual, firm, corporation, association, partnership or governmental entity.

"ETA" means estimated time of arrival.

"Operating Manual" means a Guide Book, provided by the Coast Guard to users of the system, which sets forth information necessary to participate in the New Orleans Vessel Traffic Service.

"AHP" means Above Head of Passes, upstream of the point of confluence of South Pass, Southwest Pass, and Pass a Loutre.

"Sector frequency" means the VHF-FM maritime mobile radio-telephone channel designated in the Operating Manual for each VTS Sector.

"Reporting point" means a geographical position in the VTS Area where a vessel is required to make a report to the VTC.

"Selective ringer" means a selective calling system whereby the VTC can dial up a vessel on a predetermined assigned number on the Sector frequency.

3. Laws and Regulations not affected.

Nothing in this subpart is intended to relieve any person from complying with—

a. The navigation rules for harbors, rivers, and inland waters—generally (33 USC 151-232);

b. Vessel Bridge-to-Bridge Radiotelephone Regulations (part 26 of this chapter);

c. Pilot rules for inland waters (part 80 of this chapter);

d. Pilot rules for western rivers (part 95 of this chapter);

e. The Federal Boat Safety Act of 1971 (46 USC 1451-1489); and

f. Any other laws or regulations.

4. Emergencies.

In an emergency, any person may deviate from any section in this subpart to the extent necessary to avoid endangering persons, property, or the environment. Such deviation shall be reported to the VTC as soon as practicable, and by the most expeditious means available.

5. Authorization to deviate from these rules.

a. The VTC may authorize a deviation from any rule in this subpart for a voyage, or part of a voyage, on which a vessel is embarked or about to embark.

b. The Commander, Eighth Coast Guard District, may upon written request issue an authorization to deviate from any rule in this subpart if he finds the requested operations can be done safely. An application for such authorization must state the need for the authorization and describe the proposed operations.

6. VTS Area and sectors.

The New Orleans VTS Area includes the Mississippi River from the Gulf of Mexico at South Pass Lighted Whistle Buoy "2", and Southwest Pass Entrance Midchannel Lighted Whistle Buoy, to mile 159 AHP, and the Mississippi River Gulf Outlet from the Mississippi River-Gulf Outlet Approach Lighted Horn Buoy "NO" to its junction with the Gulf Intercoastal Waterway (ICW), thence through the Gulf ICW to the Mississippi River. The VTS Area is divided into sectors as defined in the Operating Manual.

7. Vessel Operation in the VTS Area.

No person may cause or authorize a vessel to be operated in the VTS Area contrary to the rules in this subpart.

8. Towing.

Towing in any formation by a vessel with insufficient power to permit ready maneuverability and safe handling is prohibited.

9. Movement of vessels in the vicinity of Algiers Point, New Orleans Harbor:

a. The Vessel Traffic Service includes traffic control lights which regulate the movement of vessels in the vicinity of Algiers Point. These lights are designated and located as follows: Governor Nicholls Traffic Control Light, located on the left descending bank on the wharf shed at

the upstream end of Esplande Avenue Wharf, New Orleans, approximately 94.3 miles AHP; Gretna Traffic Control Light, located on the right descending bank on top of the levee at the foot of Ocean Avenue, Gretna, approximately 96.6 miles AHP; and Westwego Traffic Control Light, located on the right descending bank, approximately 101.4 miles AHP. Governor Nicholls Light and Gretna Light show separate lights for ascending and descending traffic. Westwego Light shows a light visible to descending traffic only. Lights oscillate through 60 degrees sweeping the entire width of the river every five seconds. All lights indicate by proper color the direction of traffic permitted around Algiers Point. A red light displayed ahead (in the direction of travel) indicates that vessels shall not proceed. A green light displayed ahead (in the direction of travel) indicates that vessels may proceed with caution. Absence of lights shall be considered a danger signal and no attempt shall be made to navigate Algiers Point until authorized by the VTC.

b. Ascending Vessels. When a red light is displayed from Governor Nicholls Light, ascending vessels shall not proceed farther up river than a line connecting Atlantic Street Discharge Light (right descending bank, approximately 93.5 miles AHP) with the lower end of Desire Street Wharf (on descending bank, approximately 93.5 miles AHP). Gretna Light normally displays a green light to ascending vessels. When a red light is displayed from Gretna Light, it is to advise ascending vessels that the harbor is closed to all traffic. Vessels awaiting a change of signal shall keep clear of descending vessels.

c. Descending Vessels. When a red light is displayed ahead, descending vessels shall not proceed farther down river than a line connecting the lower end of Julia Street Wharf (left descending bank, approximately 95.4 miles AHP) with Eastern Associates Terminal Co. (right descending bank, approximately 95.4 miles AHP). A vessel shall hold up before it reaches that line, if the signal remains against the vessel. Vessels awaiting a change of signal shall keep clear of ascending vessels.

d. Underpowered Vessels. When the Carrollton gage reads 12 feet or higher, any vessel which is considered by the master or person in charge as being underpowered or a poor handler shall not navigate around Algiers Point without the assistance of a tug or tugs.

e. Towing. When the Carrollton gage reads 12 feet or higher, towing on a hawser in a downstream direction between Julia Street and Desire Street is prohibited.

10. Navigation of South and Southwest Passes.

a. In the absence of instructions from the VTC, no vessel shall enter either South Pass or Southwest Pass from the Gulf until after any descending vessel which has approached within five miles of the outer end of the jetties shall have passed to sea.

b. South Pass rules. (1) In the absence of instructions from the VTC, no inbound vessel ascending South Pass shall pass Franks Crossing Light until after a descending vessel shall have passed Depot Point Light. (2) In the absence of instructions from the VTC, no descending vessel shall enter the channel at the head of South Pass until after as ascending vessel which has reached Franks Crossing Light shall have passed through into the river.

11. VTC Directions.

a. During conditions of waterway congestion, adverse weather, reduced visibility, or other hazardous circumstances in the VTS Area, the VTC may issue directions specifying times when vessels may enter, move within or through, or depart from ports, harbors, anchorages, or other waters in the VTS Area. Under these same conditions the VTC may issue directions requiring vessels to remain at anchorage or mooring, or require vessels to anchor or moor.

b. The VTC may impose one way traffic in any portion of the VTS Area.

c. The VTC may establish vessel size limitations in any portion of the VTS Area.

d. The master or person in charge of a vessel in the VTS Area shall comply with each direction issued to him under this section.

12. Radio Listening Watch.

The master or person in charge of a vessel underway or anchored in the VTS Area shall insure continuous monitoring of the Sector frequency specified in the Operating Manual for the particular sector in which the vessel is located, except when transmitting on that frequency. The person monitoring the Sector frequency must understand the English language.

13. Radio Traffic and Procedures.

a. Only that radio traffic which is VTS related and necessary for the operation of the system will be transmitted on the Sector frequencies. Except for emergencies, radio traffic on the Sector frequencies shall be limited to transmissions to and from the VTC or to and from the U.S. Army Corps of Engineers station operating the locks if applicable.

b. Proper radio procedure, as outlined in the VTS Operating Manual, shall be used at all times on Sector frequencies.

14. Radiotelephone Location.

Each report required by this subpart to be made by radiotelephone must be made using a radiotelephone that is operated on the navigational bridge of the vessel, or in the case of a dredge, at its main control station.

15. English Language.

All communications, on Sector frequencies, shall be made in the English language.

16. Time.

Each report required by this subpart must specify time using—a. The local time in effect in the VTS Area; and b. The 24 hour clock system.

17. Initial Report.

At least 30 minutes before a vessel enters the VTS Area or gets underway from an anchorage or mooring in the VTS Area, the master or person in charge of the vessel shall report or cause to be reported, the following information to the VTC:

a. Name of vessel.

b. Position of vessel.

c. Estimated time of entering or beginning to navigate in the VTS Area.

d. Point of entry into the VTS Area.

e. Destination and route.

f. ETA of vessel at destination.

g. Deepest draft.

h. For tows: The number of barges in tow and their length overall.

i. Any condition on the vessel that may affect its navigation in the VTS Area such as fire, defective propulsion machinery, or defective steering equipment, and any special handling requirements to safely navigate the vessel.

j. Whether or not any dangerous cargo listed in § 124.14 of this chapter is on board the vessel.

This report should be made by telephone, if possible. If not, by use of the appropriate Sector frequency.

18. Movement Report.

a. Whenever a vessel actually enters or gets underway within the VTS Area, and whenever a vessel passes a reporting point listed in the Operating Manual, the master or person in charge of the vessels shall report the following to the VTC on the Sector frequency:

(1) Name of vessel.

(2) Position (entry or reporting point).

(3) Time of passing (entry or reporting point).

(4) Next reporting point.

(5) ETA at next reporting point.

b. Whenever the ETA of a vessel at a reporting point changes by more than 10 minutes, the master or person in charge of the vessel shall report a revised ETA to the VTC on the Sector frequency.

c. Whenever other information previously furnished the VTC changes, the VTC shall be advised.

19. Final Report.

Whenever a vessel anchors or moors within the VTS Area, or whenever a vessel departs from the VTS Area, the master or person in charge shall report or cause to be reported, the time and place of anchoring, mooring, or departing the VTS Area to the VTC. This report is required regardless of the estimated time the vessel expects to remain anchored, moored, or outside the VTS Area.

21. Procedures for Special Vessels.

a. Ferry Vessels. Whenever a ferry vessel is operated in the VTS Area on a schedule and a route which has been previously furnished to the VTC, compliance with 17, 18 and 19 of this subpart is not required. Ferry vessels operating during reduced visibility are required to report arrivals and departures to the VTC (on the Sector frequency). Scheduled ferry routes are identified in the Operating Manual.

b. Fleeting Area Vessels. Vessels performing constant (or continuous) fleeting operations within a recognized fleet-

ing area are not required to make the report specified in (17). Additionally, requirements specified in (18) are modified to include only the time and location that fleeting operation commences, the estimated duration of the fleeting operation, and any significant changes in operation (i.e., crossing the river, accidents, breakway barges, etc.). The requirement specified in (12) to insure continuous monitoring of the Sector frequency except when transmitting on that frequency, may be met by utilizing a selective ringer on a predetermined assigned number on the Sector frequency.

c. Dredges. Dredges and floating plants, while at their work site, need not make movement reports specified in (18). In lieu thereof, such vessels shall report on the Sector frequency:

(1) Arrival at work site and nature and extent of operation.

(2) Nature of navigation impairment due to work, if any, and changes to that impairment.

(3) Departure from work site and intention. Depending on the nature of the work, the VTC may require periodic additional reports.

d. Pilot boats and certain water taxis. Pilot boats engaged in transporting pilots are not required to participate. Additionally vessels under 65 feet in length while actually engaged in ship-to-shore launch service to and from vessels anchored in the New Orleans General Anchorage, are not required to make the reports specified in 17, 18 and 19. These general anchorages are described in 33 CFR 110.195.

e. Vessels engaged in emergency operations. Fireboats, policeboats, Coast Guard cutters, and other vessels engaged in emergency and/or rescue operations are not required to make the report specified in (17). The reports specified in (18) shall be made to the extent that the VTC is made aware that the vessel engaged in emergency operations is underway and of the general nature of the emergency to which the vessel is responding. The requirement specified in (12) to insure continuous monitoring of the Sector frequency except when transmitting on that frequency, shall be met to the fullest extent possible on a not to interfere basis.

21. Report of impairment to the operation of the vessel.

a. The master or person in charge of a vessel in the VTS Area shall report or cause to be reported to the VTC as soon as possible, and by the most expeditious means available:

(1) Any condition on the vessel that may impair its navigation such as, but not limited to, fire, flooding, defective propulsion machinery defective anchoring or steering equipment, collisions and groundings.

(2) Any tow that the towing vessel is experiencing difficulty in controlling, or can only control with difficulty, including breakways.

Public comments are solicited on all of the foregoing proposals.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

JUNE 9, 1976.

[FR Doc.76-17668 Filed 6-16-76;8:45 am]

Federal Aviation Administration

[14 CFR Part 25]

[Docket No. 10769; Reference Notice Nos. 71-2 and 71-2B]

COCKPIT VISION

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw Notice Nos. 71-2 and 71-2B (36 FR 829; January 19, 1971, and 37 FR 23574; November 4, 1972). Notice No. 71-2 invited public comment on proposed amendments of the Federal Aviation Regulations that would revise the transport category airplane type certification provisions by introducing comprehensive cockpit vision standards and by changing the range of pilot heights used for the location and arrangement of cockpit controls. Notice No. 71-2A (36 FR 7257; April 16, 1971) extended the comment period for Notice No. 71-2 from April 16, 1971, to May 18, 1971. On October 27, 1972, Notice No. 71-2B was issued which republished Notice No. 71-2 and reopened the comment period until February 1, 1973.

More than 30 comments were received in response to Notice Nos. 71-2, 71-2A, and 71-2B. These comments were received from airplane and equipment manufacturers, air carriers, foreign airworthiness authorities, associations representing manufacturers and operators and other interested persons.

The great majority of the comments received were opposed to the proposed amendments or suggested changes to significant portions thereof. Several commentators submitted detailed comments and extensive studies related to cockpit vision, in general, and the proposed amendments, in particular. Included among these comments were those of the Aerospace Industries Association (AIA), Aircraft Owners and Pilots Association (AOPA), and the General Aviation Manufacturers Association (GAMA). AIA requested changes to the proposed amendments relating to the size and location of transparent areas, post widths, and reference eye position as affected by flight attitudes and recommended that cockpit vision standards be based on airplane performance. AOPA recommended the utilization of a Collision Avoidance Index parameter for airplane cockpit design. Both AIA and GAMA expressed the belief that further studies would be necessary before an acceptable cockpit vision standard could be developed.

Upon further consideration of the proposed amendments, in light of the comments received, the FAA believes that certain of the standards proposed may be inadequate and that additional studies and analysis are necessary to confirm the adequacy of certain of the other proposed standards. In addition, the FAA believes that additional consideration should be given to a number of the concepts and suggestions presented in relevant comments which were beyond the scope of Notice Nos. 71-2 and 71-2B.

By reason of the foregoing, the FAA has determined that rule-making action on the proposed amendments is not appropriate at the present time and that Notice Nos. 71-2 and 71-2B should be withdrawn. The withdrawal of the notices, however, does not preclude the FAA from issuing similar notices in the future nor does it commit the FAA to any course of action.

In this connection, it should be noted that Proposal Nos. 7-36 and 7-37 of Notice No. 75-26 [40 FR 21802, 24803; June 10, 1975], entitled "Airworthiness Review Program Notice No. 7, Airframe Proposals", deal with several of the matters related to cockpit vision and to areas covered in Notice Nos. 71-2 and 71-2B. The comment period for Notice No. 75-26 closed on September 8, 1975, and the comments received in response to the notice are currently being evaluated. Proposal No. 7-36 would add a new § 25.773(d) to require the installation of guides to enable pilots to position their seats for optimum visibility. Proposal No. 7-37 would, in part, revise § 25.777 (c) to increase to 6'3" the crewmember height to be considered for the design of cockpit controls. Proposed paragraphs I(a)(3) and I(c) of Appendix G and the proposed revision to § 25.777(c) of Notice No. 71-2 and 71-2B deal, respectively, with these same areas, and comments received on those proposed standards will be considered by the FAA before final rulemaking action is taken with respect to Proposal Nos. 7-36 and 7-37.

This withdrawal is issued under the authority of section 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER (36 FR 829) on January 19, 1971, and circulated as Notice No. 71-2, entitled "Cockpit Vision and Cockpit Controls", and the republication of that notice published (37 FR 23574) on November 4, 1972, and circulated as Notice No. 71-2B, are hereby withdrawn.

Issued in Washington, D.C. on June 10, 1976.

R. P. SKULLY,
Director, Flight Standards Service.

[FR Doc.76-17592 Filed 6-16-76;8:45 am]

[14 CFR Part 39]

[Docket No. 15785]

ROLLS ROYCE VIPER ENGINES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Rolls Royce Bristol Viper Mk 601–22 engines installed on Hawker Siddeley Model DH/BH 125 series airplanes. There have been reports of inability to actuate engine fuel shutoff valves on Model DH/BH 125 airplanes equipped with Viper engines caused by interference in the shutoff mechanism. This could result in unwanted thrust. Since this condition is likely to exist or develop in other engines of the same type design, the proposed airworthiness directive would require inspection and, if necessary, realignment of the fuel tubes on Rolls Royce Viper Mk 601–22 engines installed on Model DH/BH 125 series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before July 19, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

ROLLS ROYCE (1971) LTD. Applies to Bristol Viper Mk 601–22 engines installed, or being held for installation, on Model DH/BH 125 series airplanes, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent interference between the engine throttle control rod and the high pressure fuel shutoff valve that could result in inability to actuate fuel shutoff, accomplish the following:

(a) For installed engines, within the next 500 hours engine time in service after the effective date of this AD, accomplish the following in accordance with paragraph 2.A. of Rolls Royce Alert Service Bulletin 73–A13, dated October 1975, or an FAA-approved equivalent:

(1) Relocate the ident/data tags fitted to to the fuel tube, P/N DF–21–389.

(2) Check for adequate clearance between the fuel tube, P/N DF–21–389, and the H.P. cock control rod, P/N 25CX53–25A.

(3) If the clearance is found not to be adequate during the inspection specified in paragraph (a)(2) of this paragraph, realign the fuel tube to provide adequate clearance.

(b) For other engines, prior to installation on a Model DH/BH 125 airplane, ascertain the location of the ident/data tags on fuel tube P/N DF–21–389 and if it is found to be within 8 inches or less of the union nut, at the b.f.c.u. connection, remove the tags and refit to a lower position on the tube in accordance with the instructions contained in paragraph 2.B. of Rolls Royce Alert Service Bulletin 73–A13, dated October 1975, or an FAA-approved equivalent.

Issued in Washington, D.C., on June 10, 1976.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.76–17643 Filed 6–16–76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76–RM–14]

VOR AIRWAY

Proposed Alteration and Extension

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign and extend V–26 from Cherokee, Wyo., to Grand Junction, Colo., via Meeker, Colorado.; eliminate that portion of V–26 presently established between Celia INT, Colo., and Hayden, Colo.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. All communications received on or before July 19, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this notice of proposed rule making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–230, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would:

1. Realign and extend V–26 from Cherokee, Wyo.; via Meeker, Colo.; to Grand Junction, Colo.

2. Eliminate that portion of V–26 presently established between Hayden, Colo., and Celia Intersection, Colo.

This proposed airway section will improve the existing airway system by providing a much shorter nonradar routing between Cherokee, Wyo., and Grand Junction, Colo. A large portion of the aircraft operating between Cherokee and Grand Junction are light aircraft operating below Denver Center's radar/communications coverage in this area. Additionally, establishment of this airway and associated intersections will provide far better transition procedures to the Yampa Valley, Craig-Moffat and Grand Junction Airports. The transition to the Fruita NDB/intersection at Grand Junction will aid Grand Junction Approach Control considerably in handling arrival traffic from the northeast.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on June 10, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76–17642 Filed 6–16–76;8:45 am]

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC–76; Notice No. 76–15]

PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Proposed Exemption From Loading Restrictions for Other Than Front Tires on Special Permit Vehicles

o Purpose. This notice proposes to modify the conditions under which other than front tires may be loaded in excess of the tire manufacturer's rated capacity. o

This rulemaking stems from a petition submitted to the Federal Highway Administration on January 26, 1976, by the Heavy Specialized Carriers Conference (HSCC) of the American Trucking Associations, Inc. The petitioner seeks a change in the wording of the exemption contained in § 393.75(f)(2) of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 393.75(f)(2)). Subparagraph (f)(2) applies only to other than front wheels and requires that after September 30, 1976, no vehicle shall be operated with tires on these wheels which carry a weight in excess of the manufacturer's maximum rated capacity. The exemption to this requirement, as presently worded, allows overloading of other than front tires on vehicles being operated at reduced speed under the terms of special permit issued by one of the several States and specifying reduced speeds.

The HSCC represents motor carriers certificated by the Interstate Commerce Commission to transport a variety of commodities which, because of size, shape, or weight, require the use of specialized equipment. In the past, HSCC has stated that only a very few States specify speed for vehicles operating under special permit. Accordingly, because of the present wording of the exemption contained in subparagraph (f)(2), only motor carriers operating in

those States which specify a reduced speed in special permits would be able to take advantage of the exemption.

In light of the HSCC's arguments, the requirements for permits for oversize and overweight vehicles of all the 50 States and the District of Columbia have been reviewed. This review indicates the requirements for oversize and overweight vehicles vary with each State. There are 26 States in which a speed restriction is not stated for vehicles of the type in question. Some of the other States specify a specific speed limit and contain a requirement that the special permit officer may specify other reduced speeds where deemed necessary.

The petitioner requests that the exemption specify only a "special overweight permit issued by one of the several States," and delete the requirement that the State-issued special permit specify a reduced speed.

Based upon both user experience and communications with commercial vehicle tire manufacturers, it appears that, within reason, tires may be safely overloaded if vehicle speed is reduced sufficiently to prevent heat buildup. The petitioner's arguments are meritorious in that, as the rule presently reads, motor carriers in only about half of the States could take advantage of the exemption. Unfortunately, the wording suggested by the petitioner would permit motor carriers operating in the other half of the States to operate in an overloaded condition without appropriate speed restrictions.

It is concluded that, if the reference to reduced speed specified in a State-issued special permit is to be deleted, the Bureau should impose its own speed restriction on motor vehicles which operate on overloaded tires. An upper speed limit of 45 m.p.m.h. is proposed to qaulify for the exemption. This value has been selected so as not to conflict with posted minimum speeds on many primary and interstate highways. In addition, however, the Bureau proposes to require motor carriers to determine whether a speed reduction to 45 m.p.h. is adequate to prevent excess tire heat buildup for a given load. If not, motor carriers would be required to observe a lower speed limit.

Therefore, to give all interested persons the opportunity to comment on the rule changes sought by the petitioner, it is proposed that paragraph (f)(2) of § 393.75 of the FMCSR, Subchapter B of Chapter III of Title 49 CFR be revised to read as follows:

§ 393.75 Tires.

* * * * *

(f) * * *

(2) Other than front wheels. After September 30, 1976, no motor vehicle shall be operated with tires on wheels other than the front wheels which carry a greater weight than that specified for the tire in any of the publications of the standardizing bodies listed in Federal Motor Vehicle Safety Standard No. 119 (49 CFR 571.119) except for a motor vehicle which meets the following conditions:

(i) The vehicle is being operated under the terms of a special overweight permit issued by the State; and

(ii) The vehicle is being operated at a reduced speed which is appropriate to compensate for tire loading in excess of the manufacturer's normal rated capacity. In no case shall the speed exceed 45 m.p.h.

* * * * *

Interested persons are invited to submit written data, views, or arguments pertaining to this proposal.

All comments should be submitted in three copies to the Bureau of Motor Carrier Safety, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20590. All comments received before the close of business on July 17, 1976, will be considered before further action is taken. Comments will be available for examination in the public docket room of the Bureau of Motor Carrier Safety, Room 3401, 400 Seventh Street, SW., Washington, D.C. 20590, both before and after the closing date for comments.

This notice of proposed rulemaking is issued under the authority of section 204 of the Interstate Commerce Act as amended (49 U.S.C. 304), section 6 of of the Department of Transportation Act (49 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on June 4, 1976.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.76-17602 Filed 6-16-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

CLASS EXCEPTION ON THE RETROACTIVE APPLICATION OF SUBPART K—NATURAL GAS LIQUIDS

Proposal To Issue a Supplemental Decision and Order

The Federal Energy Administration hereby gives notice of a proposal to issue a supplemental Decision and Order to the Class Exception issued by the Office of Exceptions and Appeals on August 29, 1975. Class Exception-Retroactive Application of Subpart K, 2 FEA Par. 84,901 (August 29, 1975) (40 FR 40824; Sept. 4, 1975). The proposed supplemental order would clarify the August 29, 1975 Decision as to the extent of the exception relief provided therein with respect to certain natural gas processors.

In the August 29 Decision, the FEA noted that, prior to the January 1, 1975 effective date of 10 CFR Part 212, Subpart K, the FEA Price Regulations applicable to the pricing of natural gas liquids and natural gas liquid products were set forth in Subpart E of the general price regulations applicable to all "refiners"—both of crude oil and natural gas liquids. One of the objectives of the August 29 Class Exception was to eliminate certain inequities which were found to have resulted from the application of Subpart E to the pricing of natural gas liquids and natural gas liquid products prior to the adoption by the FEA of Subpart K on January 1, 1975. Specifically, the FEA determined that: (i) the May 15, 1973 price levels of natural gas liquids and natural gas liquid products which were used as a reference point under Subpart E were in disequilibrium and resulted in an inequitable situation for natural gas processors as a class; (ii) the requirement of prenotification for price increases to reflect increased nonproduct costs which were incurred in 1974 was impractical and onerous for gas processors, many of which were not aware of this procedure, and constituted a further inequity; (iii) in addition, § 212.83(c)(1)(iii)(A)(IV), which was not intended by the FEA to apply to propane processed from natural gas, adversely affected natural gas processors to a significant extent and also resulted in a gross inequity which warranted exception relief; and (iv) § 212.83(e)(5), which limited the recovery of increased costs in months subsequent to the month in which the costs were incurred, was also not intended by the FEA to apply to natural gas processors. In order to alleviate the gross inequities which were found, the FEA granted class exception relief to all firms, other than resellers and retailers, which sold natural gas liquids or natural gas liquid products from August 19, 1973, through December 31, 1974, to the extent that these products were produced in gas processing plants. Members of the class were permitted, in determining their maximum selling prices for these products: (i) to use the adjusted May 15, 1973 selling prices specified in Subpart K in place of the price specified in Subpart E; (ii) to recover non-product cost increases which the members of the class actually experienced in 1974 up to $.0025 per gallon; and (iii) to disregard certain regulatory provisions otherwise applicable to members of the class. Retroactive billing was prohibited, and the prospective effect of the relief was limited each month to the recovery of an amount no greater than ten percent of the increment to the firm's carry-forward of unrecovered costs which resulted from the exception relief provided in the Class Exception.

The FEA has recently become aware, however, that the extent of the relief granted in the August 29 Decision and Order may not be appropriate as to firms subject to the jurisdiction of the Federal Power Commission or a state public utility commission or equivalent regulatory body. In exercising jurisdiction over such firms, those regulatory commissions appear to have taken into account the revenues realized from sales of natural gas liquids and natural gas liquid products in their determination of the overall revenues necessary to permit the firms to realize their maximum permissible rates of return. These firms were able to increase their revenues from sales of natural gas and thereby realized the same amount of revenues they would otherwise have earned had they been permitted to increase their prices for nat-

ural gas liquids. Therefore, the determination by those firms of their May 15, 1973 prices for natural gas liquids and natural gas liquid products in accordance with Subpart E would not appear to have resulted in any inequity. Accordingly, in such cases the exception relief afforded by the August 29 Decision and Order for the period prior to January 1, 1975, would appear to be inappropriate.

Several of these firms appear to have interpreted the FEA Class Exception as permitting them to increase their prices for natural gas liquids and natural gas liquid products prospectively pursuant to Paragraph 2(a) of the August 29 Order. The FEA was not aware at the time it issued the Class Exception that its Decision might have such an effect, as the relief granted therein was designed only to permit prospective price increases with respect to past price levels which had resulted in an inequity to the firm concerned.

The FEA therefore proposes to issue a supplemental Decision and Order to the Class Exception amending that Order to make clear that only those members of the class as to which the use of low May 15, 1973 prices for natural gas liquids and natural gas liquid products resulted in an inequity may utilize the adjusted May 15, 1973 selling prices as specified in Paragraph 2(a) of the August 29 Order. Specifically, the FEA proposes to amend the August 29 Order (40 FR 40824; Sept. 4, 1975) by adding new Paragraph (6) to read as follows:

(6) Notwithstanding the provisions of Paragraph (2)(a) above, firms which are fully regulated by the Federal Power Commission or a state public utility commission or equivalent regulatory body shall not be permitted to adjust their selling prices for natural gas liquids and natural gas liquid products as set forth in Paragraph (2)(a) above.

The FEA will receive written comments with respect to this proposal from persons who would be aggrieved by the issuance of the supplemental Decision and Order, and from any other interested persons. The FEA specifically seeks comments as to the appropriate steps which should be taken with respect to any Federal Power Commission or state-regulated firms which have interpreted as applicable to them the exception relief afforded in the August 29 Decision and Order with respect to adjusted May 15, 1973 prices, and the most appropriate manner in which to achieve an equitable and reasonable refund of any price increases made by these firms based upon this interpretation.

All comments should be addressed to Mr. Alan L. Mintz, Office of Exceptions and Appeals, Federal Energy Administration, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on documents submitted to the FEA with the designation "proposed Supplemental Order to the Class Exception." Fifteen copies should be submitted. All comments received on or before July 7, 1976, and all other relevant information, will be considered by the FEA.

Any information or data considered by the person furnishing it to be confidential must be so designated and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Issued in Washington, D.C., June 14, 1976.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.76-17700 Filed 6-14-76;4:04 p.m.]

OFFICE OF MANAGEMENT AND BUDGET

[5 CFR Part 1303]

PUBLIC INFORMATION PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT

On August 4, 1975, the Office of Management and Budget issued a notice (40 FR 32727, amending Chapter III, Part 1303 of Title 5, Code of Federal Regulations regarding the implementation of the public information provisions of the Administrative Procedures Act (5 U.S.C. 552, as amended).

Notice is hereby given that the Office of Management and Budget is considering promulgating further this Part as set forth herein (summarized and published in its entirety below).

Interested persons are invited to submit written comments, suggestions, or objections regarding these proposed amendments to the Assistant to the Director for Administration, Office of Management and Budget, Washington, D.C. 20503. All relevant material received before July 16, 1976, will be considered. All written comments received will be available upon request, for public inspection at the above address only between the hours of 9 a.m. and 5:30 p.m. Monday through Friday (excluding legal Federal holidays), during the 30 day comment period described above, and for 10 days thereafter.

SUMMARY OF PROPOSED AMENDMENTS
PART 1303

Section 1303.10(b): delete.

Section 1303.10(c): redesignate as § 1303.10(b).

Former § 1303.10(d): redesignate as § 1303.10(c).

Former § 1303.10(e): delete the first sentence and redesignate as § 1303.10(d). Reference to "* * * (c) of this section." changed to "* * * (b) of this section."

Former § 1303.10(f): redesignate as § 1303.10(h) and to be preceded by new §§ 1303.10(e), 1303.10(f), and 1303.10(g).

It is proposed to revise 5 CFR Part 1303 to read as follows:

ORGANIZATION

AUTHORITY: 5 U.S.C. 552, as amended by Pub. L. 93-502.

ORGANIZATION

§ 1303.1 General.

This information is furnished for the guidance of the public and in compliance with the requirements of section 552 of title 5, United States Code, as amended.

§ 1303.2 Authority and functions.

(a) The Office of Management and Budget was established in the Executive Office of the President pursuant to Part I of Reorganization Plan No. 2 of 1970 (35 FR 7959), effective July 1, 1970. That Plan transferred to the President all functions vested by law in the Bureau of the Budget, or its Director, and designated the Bureau of the Budget as the Office of Management and Budget. By Executive Order No. 11541 of July 1, 1970 (35 FR 10737), the President delegated all functions transferred to him by Part I of the Plan to the Director of the Office of Management and Budget.

(b) The principal statutory functions of the Office of Management and Budget are contained in the Budget and Accounting Act of 1921 (42 Stat. 20, 31 U.S.C. 1-25); the Federal Reports Act of 1942 (44 U.S.C. 3501-3511); the Government Corporation Control Act (59 Stat. 597, 31 U.S.C. 841-869); the Budget and Accounting Procedures Act of 1950 (65 Stat. 832), the Federal Advisory Committee Act (Pub. L. 92-463), the Congressional Budget and Impoundment Control Act of 1974 (Pub. L. 93-344), the Office of Federal Procurement Policy Act (Pub. L. 93-400), and the Privacy Act of 1974 (Pub. L. 93-579).

(c) The functions of the Office of Management and Budget are carried out pursuant to the provisions of the statutes cited above and the provisions of various Executive orders—principally, Executive Order No. 8248 of September 8, 1939 (CFR Cum. Supp., p. 576), outlining certain functions to be performed by the Bureau of the Budget for the President, and Executive Order No. 11230 of June 28, 1965 (3 CFR 1965 Supp., p. 146), as amended, delegating certain functions of the President to the Director of the Bureau of the Budget. Under the terms of Executive Order No. 11541 of July 1, 1970, the assignments and delegations made in the earlier orders are to be considered as assignments to the Office of Management and Budget and its Director.

§ 1303.3 Organization.

The central organization of the Office of Management and Budget consists of:

(a) The Office of the Director, which includes the Director and the Deputy Director and their principal assistants, including the Assistant to the Director for Administration.

(b) The Administrator of the Office of Federal Procurement Policy.

(c) Three Associate and Assistant Directors with Government-wide management responsibilities in specialized areas, as follows:

(1) Executive Development and Labor Relations.

(2) Legislative Reference.

(3) Management and Operations.

(d) Five program and budget Associate and Assistant Directors, as follows:

(1) Budget Review.

(2) National Security and International Affairs.

(3) Human and Community Affairs.

(4) Economics and Government.

(5) Natural Resources, Energy, and Science.

(e) The Office has no field organization.

(f) Units of the Office of Management and Budget are presently located in the Executive Office Building, 17th Street and Pennsylvania Avenue, NW., and in the New Executive Office Building, 17th and H Streets, NW., Washington, D.C. 20503. Regular office hours are from 9 a.m. to 5:30 p.m., Monday through Friday. Both buildings are under security control. Persons desiring to visit officers or employees of the Office of Management and Budget in either building will usually find it easier to do so if they write or telephone in advance for an appointment.

PROCEDURES

§ 1303.10 Methods of operation.

(a) The Office of Management and Budget maintains current indexes which identify information pertaining to matters issued, adopted, or promulgated after July 4, 1967, that are within the scope of 5 U.S.C. 552 (a)(2). These indexes are updated quarterly and are published in the FEDERAL REGISTER. They are also available for public inspection and copying at the Office's Publications Office, Room G-236, New Executive Office Building, 17th and H Streets, NW., Washington, D.C. 20503. The indexes may be examined between the hours of 9:00 a.m. and 5:30 p.m. on any day, except Saturdays, Sundays, and legal public holidays.

(b) The Assistant to the Director for Administration is responsible for acting on all initial requests. Individuals wishing to obtain any information listed on the indexes should address their request in writing to the Assistant to the Director for Administration, Office of Management and Budget, Washington, D.C. 20503, Phone 395-4790. Requests for information shall be as specific as possible.

(c) Upon receipt of any request for information or records, the Assistant to the Director for Administration will determine within 10 days (excepting Saturdays, Sundays, and legal public holidays) whether it is appropriate to grant the request and will immediately provide written notifiction to the person making the request. If the request is denied, the written notification to the person making the names of other individuals who participated in the determination and a notice that an appeal may be lodged including the format and content of any such appeal within the Office of Management and Budget. (Receipt of a request as used herein means the date the request is received in the office of the Assistant to the Director for Administration.)

(d) Appeals shall be set forth in writing and addressed to the Assistant to the Director for Administration at the address specified in paragraph (b) of this section. The appeal shall include a statement explaining the basis for the appeal. Determinations of appeals will be set forth in writing and signed by the Deputy Director, or his designee within 20 days (excepting Saturdays, Sundays, and legal public holidays). If, on appeal, the denial is in whole or in part upheld, the written determination will also contain a notification of the provisions for judicial review and the names of the persons who participated in the determination.

(e) Upon receipt of a request for review, the Assistant to the Director for Administration will convene a review group composed of the Assistant to the Director for Administration, the General Counsel, or their designees, and the official having operational control over the record. This group will review the basis for the requested review and will develop a recommended course of action to the Deputy Director. If at any time additional information is required from the requester, the Assistant to the Director for Administration is authorized to acquire it or authorize its acquisition from the requester.

(f) The Office of Management and Budget has established an internal Committee on Freedom of Information and Privacy (hereinafter referred to as the Committee. The Committee is composed of:

(1) Deputy Director.

(2) Assistant to the Director for Administration.

(3) General Counsel.

(4) Assistant Director for Budget Review.

(5) Assistant Director for Legislative Reference.

(6) Assistant to the Director for Public Affairs.

(7) Deputy Associate Director for Information Systems.

(8) Deputy Associate Director for Statistical Policy.

(9) Deputy Associate Director for National Security.

(10) Budget and Management Officer.

(11) Personnel Officer.

(g) The Committee, when directed by the Assistant to the Director for Administration, will review the Office's administration of the Freedom of Information and Privacy Acts and make recommendations for the improvement thereto. In addition, the committee, upon the request of the Deputy Director, may evaluate a request for review or appeal and recommend a decision to the Deputy Director, who has the final authority regarding appeals.

(h) In unusual circumstances, the time limits prescribed in paragraphs (d) and (e) of this section may be extended for not more than 10 working days (excepting Saturdays, Sundays, or legal public holidays). Extensions may be granted by the Deputy Director. The extension period may be split between the initial request and the appeal but in no instance may the total period exceed 10 working days. Extensions will be by written notice to the persons making the request and will set forth the reasons for the extension and the date the determination is expected. As used herein, but only to the extent reasonably necessary to the proper processing of the particular request, the term "unusual circumstances" means:

(1) the need to search for and collect the requested records from establishments that are separated from the office processing the request;

(2) the need to search for, collect, and examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) the need for consultation, which shall be conducted with all practical speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency which have a substantial subject matter interest therein.

AVAILABILITY OF INFORMATION

§ 1303.20 Inspection, copying, and exceptions.

(a) When a request for information has been approved pursuant to § 1303.10 above, the person making the request may make an appointment to inspect or copy the materials requested during regular business hours by writing or telephoning the Assistant to the Director for Administration at the address or telephone number listed in § 1303.10 (c). Such materials may be copied manually without charge, and reasonable facilities will be made available for that purpose. Also, copies of individual pages of such materials will be made available at the price per page specified in § 1303.30(a); however, the right is reserved to limit to a reasonable quantity the copies of such materials which may be made available in this manner when copies also are offered for sale by the Superintendent of Documents.

(b) Certain functional units of the Office of Management and Budget solely advise and assist the President, and therefore these units are not covered by 5 U.S.C. 552. However, the Director or the Deputy Director, acting on his behalf, may determine that a record which falls in one of the following categories shall be made available. These units carry out activities that provide advice and assistance to the President with regard to:

(1) The formulation and preparation of the Federal budget,

(2) The processing of enrolled bills and determinations of the relationships of pending and proposed legislation to the program of the President.

(3) The compensation of Federal employees,

(4) The establishment and organization of new agencies and the reorgani-

zation of existing programs and agencies, and

(5) The preparation of Executive Orders and Proclamations.

(c) Except to the extent that the Director or Deputy Director, acting on his behalf, determines that a record which falls within one of the following categories shall be made available, this section shall not apply to matters that are:

(1) (i) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of the national defense or foreign policy, and (ii) are in fact properly classified pursuant to such Executive Order.

(2) Related solely to the internal personnel rules and practices of the Office;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Office;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

CHARGES FOR SEARCH AND REPRODUCTION

§ 1303.30 Schedule of fees and method of payment for services.

(a) Following is the fees schedule for the search and reproduction of information available under the Freedom of Information Act (5 U.S.C. 552), as amended.

(1) Search for records—$5.00 per hour when the search is conducted by a clerical employee. $8.00 per hour when the search is conducted by a professional employee. No charge for searches of less than 1 hour.

(2) Duplication of records—Records will be duplicated at a rate of $.10 per page for all copying of 4 pages or more. There is no charge for duplicating 3 or fewer pages.

(3) Other—When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or type thereof, the Assistant to the Director for Administration is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act and in accordance with Office of Management and Budget Circular No. A-25, "User charges." Examples of services covered by this provision include searches involving computer time or special travel, transportation, or communications costs.

(b) If records requested under this part are stored elsewhere than the headquarters of the Office of Management and Budget at Washington, D.C., the special costs of returning such records to the headquarters for review will be added to the search costs.

(c) Ordinarily, fees shall not be charged if the records requested are not found, or if all of the records located are withheld as exempt. However, if the time expended in processing the request is substantial, and if the requester has been notified of the estimated cost pursuant to paragraph (d) of this section, fees may be charged.

(d) Where it is anticipated that the fees chargeable under this section will amount to more than $25.00, or the maximum amount specified in the request, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will greatly exceed $25.00, an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to consult with Office personnel in order to reformulate the request in a manner which will reduce the fees, yet still meet the needs of the requester.

(e) Fees must be paid in full prior to issuance of requested copies. In the event the requestor is in arrears for previous requests for which the Office was unable to find or provide the requested information (see paragraph (b) of this section), copies of records will not be provided for any subsequent request until the arrears have been paid in full.

(f) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the order of the Treasury of the United States and mailed or delivered to the Assistant to the Director for Administration, Office of Management and Budget, Washington, D.C. 20503.

(g) A receipt for fees paid will be given upon request. Refund of fees paid for services actually rendered will not be made.

(h) The Assistant to the Director for Administration, or an officer designated by the Assistant to the Director for Administration may in accordance with the Freedom of Information Act, as amended, waive all or part of any fee provided for in this section when the Assistant to the Director for Administration or the designated officer deems it to be in either the Office's interest or in the general public's interest.

These regulations are proposed under the authority of 5 U.S.C. 552, as amended by Pub. L. 93-502.

For the Director of the Office of Management and Budget.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.76-17666 Filed 6-16-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

MERCANTILE NATIONAL BANK, ATLANTA, GEORGIA

Suspension of Trading

It appearing that an extension of the Order, issued June 1, 1976, suspending trading in the securities of Mercantile National Bank, Atlanta, Georgia, on the over-the-counter market is required in the public interest and for the protection of investors;

Therefore, pursuant to Sections 12(l) and 12(k) of the Securities Exchange Act of 1934, the suspension of trading in the securities of Mecantile National Bank, Atlanta, Georgia, on the over-the-counter market is hereby extended for the ten-day period commencing at midnight (EDT) on June 11, 1976, and terminating at midnight (EDT) on June 21, 1976.

Dated: June 11, 1976.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.76-17692 Filed 6-16-76;8:45 am]

Office of Revenue Sharing

ENTITLEMENT PERIOD 6

Final Date of Allocations

Pursuant to § 51.23(a), as amended on November 3, 1975 (40 FR 51036) of Title 31 of the Code of Federal Regulations (Part 51), promulgated under the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512, 31 U.S.C. Supp. IV, chapter 24), and pursuant to the notices of procedure for improvement of entitlement data published in the FEDERAL REGISTER on February 13, 1975 (40 FR 6691), March 3, 1975 (40 FR 8835), and December 31, 1975 (40 FR 60097), notice is hereby given that the final date for the determination of allocations and entitlements, including adjustments thereto, applicable to Entitlement Period 6 will be June 30, 1976. This closing date will not be applicable for those recipient governments which have a request pending as of June 30, 1976, for substantiation or correction of data elements by the Office of Revenue Sharing filed pursuant to the notices of February 13, 1975 (40 FR 6691), March 3, 1975 (40 FR 8835), and December 31, 1975, (40 FR 60097).

Dated: June 11th, 1976.

JEANNA D. TULLY,
Director,
Office of Revenue Sharing.

[FR Doc.76-17608 Filed 6-16-76;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Assistant Secretary of Defense (Installations and Logistics)

PROFIT '76 SPECIAL ADVISORY COMMITTEE

Establishment, Organization and Functions

In accordance with the provisions of Public Law 92-463, Federal Advisory Committee Act, notice is hereby given that the Profit '76 Special Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense (DoD) by law. The Office of Management and Budget (OMB) has also reviewed the justification for this advisory committee and concurs with its establishment.

The purpose of the Profit '76 Special Advisory Committee is to support the Secretary and Deputy Secretary of Defense by reviewing the Profit '76 Study. The Profit '76 Study is a major defense undertaking the purpose of which is to determine defense contractors' profit on both defense and non-defense business and to examine the relation of earnings to capital investment in assets designed to increase productivity and lower costs. Specifically, the Profit '76 Special Advisory Committee will review the processes by which the study was conducted, the analytical methods employed and the results.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JUNE 14, 1976.

[FR Doc.76-17617 Filed 6-16-76;8:45 am]

Office of the Secretary of Defense

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, July 6, 1976; Tuesday, July 13, 1976; Tuesday, July 20, 1976; and Tuesday, July 27, 1976 at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed in section 552 (b) of Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency, (5 U.S.C. 552 (b)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 U.S.C. 552 (b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552(b)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JUNE 14, 1976.

[FR Doc.76-17618 Filed 6-16-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 76-8]

MR. JOHN S. NANCE, JR. T/A MATHEWS PHARMACY

Hearing

JUNE 15, 1976.

Notice is hereby given that on February 13, 1976, the Drug Enforcement Administration, Department of Justice, issued to John S. Nance, Jr., t/a Mathews Pharmacy, Mathews, North Carolina, an Order to Show Cause as to why the Drug Enforcement Administration should not deny the Application for Registration under the Controlled Substances Act of 1970, of the Respondent executed on

December 16, 1975, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823)

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and an oral request for a hearing having been received by the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on June 17, 1976, in Room 1210, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C.

Dated: June 15, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76-17764 Filed 6-16-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 017738]

ARIZONA

Order Providing for Opening of Lands

1. Pursuant to the Act of June 14, 1926, 44 Stat. 741, as amended by the Act of June 4, 1954, 68 Stat. 173, as amended, 43 U.S.C. 869 (1970), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 12 S., R. 13 E.,
Sec. 8, N½SE¼SE¼NW¼.
The area described contains 5.00 acres.

2. The lands are located in Pima County, approximately fifteen miles northwest of the City of Tucson. Soils vary from deep silty to sandy loam. Topography is flat; vegetation consists of cacti, mesquite, and some paloverde.

3. At 10 a.m. on July 12, 1976, the land will be open to the operation of the public land laws generally, including the mining and mineral leasing laws, and petitions for classification will be accepted. All petition applications filed will be considered on their merits. No transfer of the land will be allowed until and unless the land has been classified for such transfer.

4. Inquiries concerning the land should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Dated: June 9, 1976.

ROBERT O. BUFFINGTON,
State Director.

[FR Doc.76-17597 Filed 6-16-76;8:45 am]

RAWLINS DISTRICT ADVISORY BOARD

Meeting

JUNE 11, 1976.

Notice is hereby given that the Rawlins District (Wyoming) Multiple Use Advisory Board will meet Thursday and Friday, July 22 and 23 at Rawlins, Wyoming. The meeting on Thursday will convene at 8 A.M. at the Rawlins District BLM office and will include a tour of the Seven Lakes-Ferris range EIS area. Members of the public wishing to participate in the field trip will have to furnish their own transportation. The meeting on Friday will begin at 8:15 A.M. at the Rawlins District BLM headquarters.

The agenda will include an update of minerals activities in the Rawlins District, an orientation session on the BLM's public image in the Rawlins District, the BLM's plans for the Seven Lakes-Ferris range EIS, and public presentations.

The meeting will be open to the public. Oral or written statements may be submitted for the Board's consideration. Such statements should be limited to matters set forth in the agenda. Those wishing to make an oral statement must inform the District Manager, Rawlins District, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming, 82301 in writing by close of business July 9, 1976.

Time limits for oral presentations may be established by the chairman to ensure that all may be heard within the time available for such statements. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the District Manager, Rawlins District Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301. Further information concerning the meeting may be obtained from Pat Korp, Public Affairs Officer, Rawlins District Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301. Her telephone number is (307) 324-6621.

FRED WOLF,
District Manager.

[FR Doc.76-17616 Filed 6-16-76;8:45 am]

WYOMING STATE MULTIPLE USE ADVISORY BOARD

Meeting

JUNE 11, 1976.

Notice is hereby given that the Wyoming State Multiple Use Advisory Board will meet at 8:00 a.m. July 19, 20, 1976, at the Washakie Hotel, Worland, Wyoming.

The advisory board will meet in full session on Monday, July 19, at 8:00 a.m. for field tour orientation and subsequently recess at 10:00 a.m. for a tour of the Hyatt ranch.

The public desiring to attend the field tour must register in advance with the Wyoming State Director (912), Bureau of Land Management, Box 1828, Cheyenne, Wyoming 82001, by Tuesday, July 6, 1976. Individuals must furnish their own transportation and food.

On Tuesday, July 20, the advisory board will again meet in full session. Agenda topics will include a current briefing on the Department of Interior coal program and presentations on BLM cultural resource management and recreational programs.

The public is invited to attend and individuals wishing to address the board must inform the State Director (912), Bureau of Land Management, Box 1828, Cheyenne, Wyoming 82001, in writing by close of business July 12, 1976. Such statements should be limited to matters set forth in the agenda. Time limits for oral presentations may be established by the chairman to ensure that all may be heard within the time available for such statements. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the State Director (912), Bureau of Land Management, Box 1828, Cheyenne, Wyoming 82001.

Further information concerning the meeting may be obtained from Mr. Craig Whitney, Acting Chief, Office of Public Affairs, Bureau of Land Management, Box 1828, Cheyenne, Wyoming 82001. His telephone number is (307) 778-2220, ext. 2384.

DELMER D. VAIL,
Acting State Director.

[FR Doc.76-17596 Filed 6-16-76;8:45 am]

Bureau of Land Management

OREGON

Establishment of Recreation Use Controls Within the Boundaries of the Wild River Area of the Rogue River Component of the National Wild & Scenic Rivers System

Public notice is hereby given that by authority of the Wild & Scenic Rivers Act (16 U.S.C. 1271-87); the Notice of Revised Development and Management Plans for the Rogue National Wild & Scenic River, Oregon, 37 FR 13408, July 7, 1972; 43 CFR Subpart 1725, Part 2920, and Groups 6000 and 6200; Public Law 93-303; Public Land Administration Act, 43 U.S.C. 1361; 36 CFR 251.1, 251.2, 251.25, 261.11, the Federal lands described in 34 FR 15571, October 7, 1969, and 37 CFR 13415, July 7, 1972, which are located between the mouth of Grave Creek and the mouth of Watson Creek are hereby open to authorized outfitters and guides, when engaged in commercial operations, who meet the qualifications set forth below and are in compliance with the provisions hereinstated. The State of Oregon, acting by and through the Marine Board in cooperation with the Federal agencies and Oregon Scenic Waterways System by authority of ORS 488.600(3), will promulgate regulations for use of State waters located in the area described above.

Congress recognized the unique qualities of the Rogue by including a segment of the river as an initial component of the National Wild & Scenic Rivers System. The Rogue Wild River Area represents a vestige of primitive America worthy of the protection conceived by Congress.

Therefore, in accordance with the intent of Congress, commercial and private use of the previously described Wild River Area will be permitted under the following limitations and conditions.

COMMERCIAL OPERATIONS

Effective Period: The provisions of this notice are effective January 1 to December 31, except as otherwise noted.

Outfitter Qualifications: Authorized outfitters, hereinafter called "outfitters" are those who have qualified under the terms of the 1973 Closure Notice, published in the FEDERAL REGISTER 38 F.R. 34901, December 20, 1973. Guides hired or contracted by an outfitter in conjunction with an authorized float trip shall also be permitted to use the river and the described Federal land.

Definitions: (1) For purposes of this Notice, an outfitter is defined as any person who, as a business venture, arranges float trips for others and in conjunction therewith supplies equipment, guides, and/or arranges lodge accommodations. Regardless of booking arrangements, only one outfitter will be recognized for each group of people constituting a guided boating party.

(2) For purposes of this Notice, a guide is defined as a person who, when operating on the Rogue River, is required by Oregon Laws 1973, Chapter 304, to obtain a valid boat operator's license or is required by ORS 497.750 to obtain a valid guide's license. Even though a person books his own passengers, if he joins a previously organized party, he is considered to be a guide.

Permit Requirements: No outfitter will be authorized to operate in the Rogue Wild River Area without obtaining a valid permit and complying with the stipulations contained therein.

Permits, approved by the Bureau of Land Management, the Forest Service, and the Oregon Marine Board, may be applied for by contacting the BLM District Office, 310 W. Sixth Street, Medford, Oregon 97501, phone 503–779–2351, ext. 341, or the Siskiyou Forest Headquarters, 1504 N.W. Sixth Street, Grants Pass, Oregon 97526. During the period June 15 to September 30, inquiries pertaining to permit requirements will be received at the Rand Site Headquarters, 14333 Galice Road, Merlin, Oregon, phone 503–476–8744.

An outfitter's authorization to conduct float trips is not a salable commodity. Commercial operations on the river must be understood as being a privilege, not a right. Any transfer of authorized use in conjunction with the sale of a business must be approved by the managing agencies prior to such a transfer. Approval will be contingent on the qualifications of the proposed transferee, the ability of the river and land resources to sustain the use, or for other just cause.

Maximum Number of Trips per Week: Unless previously authorized, no outfitter's total operation may exceed two trips per week.

Seasonal Restrictions:

SUMMER SEASON—(From the Friday preceding Memorial Day through Labor Day) Not more than three camping parties will launch per day, two parties normally not exceeding 24 people each, and one party normally not exceeding ten people, including guides. The normal maximum camping party size is 24.

The total number of persons commencing float trips in any one day who will stay in any one lodge that night cannot exceed 24.

No commercial boating party shall be larger than twenty-four (24) persons total, including crew members. However, recognizing that circumstances beyond an outfitter's reasonable control may occasionally require carrying passengers or crew members not planned for and in excess of stipulated party sizes, the following provision is made:

Twenty percent of an outfitter's trips, according to the approved schedule for the regulated period, may carry as many as two (2) persons beyond the stipulated party size if the party is scheduled as SMALL (1–10 persons, total) or, if the party is scheduled as LARGE (not larger than 24 persons, total), as many as three (3) persons beyond the stipulated party size. In calculating the number of trips on which such additional persons may be carried, results shall be rounded to the nearest whole number, but shall in no case be fewer than one (1). The number of such trips for each authorized outfitter will be determined by the scheduling agency before the regulated period begins and each outfitter will be advised of the figure. Trip registration at the Grave Creek entry point to the regulated area shall state the total numbers of persons in each party.

Outfitters may request the number of trips they can reasonably expect to run. However, allocation of camping trips by the agencies will be based on each outfitter's 1973 level of use and a percentage increase determined on an annual basis. An outfitter may not change lodge trips to camping trips without authorization from the managing agencies.

The agencies in 1976 will review overall use patterns or changes and, if necessary, adjust commercial operations accordingly. Outfitters are advised not to plan increases in their business on the basis of the 1976 authorization.

The agencies will attempt to approve the outfitter's requested schedule as closely as possible. If conflicts arise, the agencies will adjust the schedules.

Fall trips, established in 1973, may not be transferred to the summer season.

FALL SEASON—(The day following Labor Day to November 15) Outfitters may request camping trips on a first-come-first-served basis.

NONCOMMERCIAL USE

A noncommercial party shall not be larger than 24 persons.

Noncommercial boating parties shall register as they enter the regulated area at Grave Creek, where information about campsites, safety, river orientation, and individual responsibilities will be provided. A noncommercial party permit shall be issued upon registration without restricting the number of such parties entering the regulated area.

This notice shall become effective July 1, 1976 and shall continue in effect until December 31, 1976 unless previously revoked. Use levels and conditions of use in future years will depend on analysis of 1976 use patterns.

E. J. PETERSEN,
Acting Oregon State Director,
Bureau of Land Mangement.

June 11, 1976.

FRANK J. KOPECKY,
Acting Regional Forester,
Forest Service.

[FR Doc.76–17595 Filed 6–15–76;8:45 am]

Office of the Assistant Secretary Land and Water Resources

OIL SHALE LEASE; DETAILED DEVELOPMENT PLAN

Public Hearing

Pursuant to section 10(a) of the U.S. Department of the Interior Oil Shale Lease, the Department announces the availability of the "Detailed Development Plan" for Oil Shale Tracts Ua and Ub, Serial Nos. Utah 25918 and 26194. Detailed Development Plans required by section 10(a) of the lease are to include:

1. A schedule of the planning, exploratory, development, production, processing and reclamation operations and all other activities to be conducted under the lease;

2. A detailed description pursuant to 30 CFR Part 231 and 43 CFR Part 23 of the procedures to be followed to assure that the development plan, and lease operations thereunder, will meet and conform to the environmental criteria and controls incorporated in the lease; and

3. A requirement that the lessee use all due diligence in the orderly development of the lease deposits, and, in particular, to attain, at as early a time as is consistent with compliance with all the provisions of the lease, production at a rate at least equal to the rate on which minimum royalty is computed.

Prior to commending any operations under a Detailed Development Plan on the leased lands, the lessees must obtain the approval of the Area Oil Shale Supervisor. Once the Detailed Development Plan is approved, the lessees shall proceed to develop the leased deposits in accordance with that plan.

Notice is hereby given that public hearings will be held for the purpose of receiving comments relating to the Tracts Ua and Ub Detailed Development Plan on the following dates and at the following locations:

August 10, 1976—Uintah County Courthouse, 147 East Main, Vernal, Utah 84078.
August 12, 1976—Salt Palace, 100 SW Temple, Suite A, Salt Lake City, Utah 84101.

Hearings at both locations will begin in the afternoon at 3 p.m. and continue until all those present have been heard or 5 p.m., whichever comes first. In the evening hearings at both locations will begin at 7 p.m. and continue until all those present have been heard or 10 p.m., whichever comes first. Interested individuals, representatives of organizations

and public officials wishing to appear at the hearings should contact the Office of the Area Oil Shale Supervisor, U.S. Geological Survey, 131 North 6th St., Grand Junction, Colorado, no later than July 26, 1976. Written comments from those unable to attend and from those wishing to supplement their oral presentations at the hearings should be received by the Office of the Area Oil Shale Supervisor, 131 North 6th St., Grand Junction, Colorado on or before August 27, 1976.

All written statements received pursuant to this notice will be included in the hearing record. Oral statements at the hearings will be limited to a period of ten minutes. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearings officer will give others present an opportunity to be heard. Because of time limitations, those presenting oral statements at one of the above identified locations will not be permitted to present such statements at other locations.

Notice is also given that copies of the Tracts Ua and Ub Detailed Development Plan and related quarterly progress reports are available for public inspection during regular business hours at the following locations:

Area Oil Shale Office, Mesa Federal Savings & Loan Building, Grand Junction, Colorado
U.S. Geological Survey, Conservation Division, Central Region, Villa Italia, Denver, Colorado
U.S. Geological Survey, Conservation Division, Reston, Virginia
Oil Shale Environmental Advisory Panel, Building 67, Denver Federal Center, Denver, Colorado
Mesa College Library, Grand Junction, Colorado
Mesa County Public Library, Grand Junction, Colorado
Montrose Regional Library, Montrose, Colorado
Delta Library, Delta, Colorado
Library, Department of the Interior, Main Interior Building, Washington, D.C.
Rangely Public Library, Rangely, Colorado
Colorado Northwestern Community Library, Rangely, Colorado
Meeker Public Library, Meeker, Colorado
Moffat County Library, Craig, Colorado
Garfield County Library, New Castle, Colorado
Colorado Mountain College Library, Glenwood Springs, Colorado
Glenwood Springs Public Library, Glenwood Springs, Colorado
Uintah County Public Library, Vernal, Utah
Rifle Public Library, Rifle, Colorado
Denver Public Library, Conservation Library, Denver, Colorado
Bureau of Land Management, 455 Emerson Dr., Craig, Colorado
Bureau of Land Management, Colorado State Office, Colorado State Bank Building, 1600 Broadway, Denver, Colorado
Bureau of Land Management, Wyoming State Office, Federal Center, 2120 Capitol Ave., Cheyenne, Wyoming
Bureau of Land Management, Utah State Office, 125 South State, Salt Lake City, Utah
Salt Lake City Public Library, Salt Lake City, Utah
Colorado State Library, 1362 Lincoln, Denver, Colorado
University of Wyoming Library, Laramie, Wyoming

CHRIS FARRAND,
Deputy Assistant Secretary of the Interior.

JUNE 11, 1976.

[FR Doc.76-17607 Filed 6-16-76;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH

Revised Charter

The charter reestablishing the nonstatutory Advisory Committee on Coal Mine Safety Research and published in the FEDERAL REGISTER on May 9, 1975 (40 FR 20331), is revised for reasons stated below.

The charter reestablishing the Advisory Committee on Coal Mine Safety Research as stated limits our ability to seek knowledgeable persons in coal mine safety research, and is contrary to the additional charter requirement to include representatives from minerals-oriented universities. State university personnel represent a fertile source of people knowledgeable in coal mining and safety research. Accordingly, we propose to amend the text in item (J) of the charter to: (1) Exempt State university personnel from the restriction placed upon State government employees; and, (2) more clearly define the duties of the Executive Secretary. The utilization of the Advisory Committee on Coal Mine Safety Research is in the public interest in connection with the performance of duties imposed on the Department of the Interior by law.

This notice is published in accordance with the provisions of 5 U.S.C. 552(a)(1), and the Federal Advisory Committee Act (Pub. L. 92-463). Accordingly, the revised charter reads as stated below.

Dated: May 10, 1976.

THOMAS S. KLEPPE,
Secretary of the Interior.

ADVISORY COMMITTEE CHARTER

(A) *Official designation.* The Advisory Committee on Coal Mine Safety Research.

(B) *Objectives and scope of activities.* The Advisory Committee shall consult with, and make recommendations to, the Secretary of the Interior on matters involving or relating to coal mine safety research. The Secretary shall consult with, and consider the recommendations of, such committee in the conduct of such research.

(C) *Time required for the committee to carry out its purposes.* In view of the goals and purposes of the committee, it will be expected to continue beyond the foreseeable future. However, its continuation will be subject to biennial review as required by section 14 of Public Law 92-463.

(D) *Official to whom the committee reports.* The Secretary of the Interior.

(E) *Agency responsible for support.* Assistant Secretary—Energy and Minerals, U.S. Department of the Interior.

(F) *Duties and authority for committee functions.* "The advisory committee shall consult with, and make recommendations to, the Secretary on matters involving or relating to coal mine safety research." (83 Stat. 748).

(G) *Estimated annual operating costs.* $72,000 and two man years.

(H) *Estimated number and frequency of meetings.* The committee normally meets four or five times a year for period of 1 or 2 days.

(I) *Termination date.* The committee shall terminate on December 31, 1976, unless prior to that time the Secretary determines that its renewal is necessary and in the public interest.

(J) *Committee membership.* The Secretary shall appoint the chairman and members to the Advisory Committee on Coal Mine Safety Research. Membership shall be composed of the Director of the National Bureau of Standards, Department of Commerce, or his delegate, with the consent of the Director; the Director of the National Science Foundation, or his delegate, with the consent of the Director; and such other persons as the Secretary may appoint who are knowledgeable in the field of coal mine safety research. The chairman of the committee and a majority of the persons appointed by the Secretary shall be individuals who have no economic interests in the coal mining industry, and who are not operators, miners or officers or employees of the Federal Government or any State (excepting State universities) or local government. Also included will be representatives from minerals-oriented universities, the public, and non-profit research organizations. The Executive Secretary of the committee shall be a full-time, salaried, Federal Civil Service employee selected by the Assistant Secretary—Energy and Minerals.

This employee shall be responsible for committee operations, recordkeeping and reporting requirements according to the Office of Management and Budget guidelines and Departmental directives in Chapter 2, Part 308 of the Department of the Interior Manual.

(K) *Allowances.* Committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including travel time) during which they are performing committee business away from their homes or regular places of employment, entitled to compensation of $100.00 per day, and shall, notwithstanding the limitations of sections 5703 and 5704 of Title 5 United States Code, be fully reimbursed for travel, subsistence, and related expenses. Expenses for the operation of this committee shall be borne by the official designated in paragraph (E).

(L) *Specific statutory authority.* (30 U.S.C. 812)

Date Signed: May 10, 1976.

Date Charter Filed: June 2, 1976.

[FR Doc.76-17598 Filed 6-16-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation Number A350]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Roberts County, Texas, as a result of drought beginning August 1, 1975, through March 11, 1976; and excessive wind damage occurring on February 1, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for emergency loans must be received by this Department no later than July 27, 1976, for physical losses and February 28, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 11th day of June 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-17612 Filed 6-16-76;8:45 am]

Forest Service

NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Ouray District Grazing Advisory Board, the Miguel District Grazing Advisory Board and the Gunnison Valley Forest Grazing Advisory Board will meet for a field tour beginning 6:00 P.M., July 21, 1976 through Noon, July 23, 1976, in Silver Jack Reservoir vicinity, Big Cimarron allotment, approximately 50 miles southeast of Montrose, Colorado.

The purpose of this meeting is to (1) tour the Big Cimarron cattle allotment to observe management practices in action and (2) review any other items of concern relating to the management of National Forest grazing lands.

The meeting will be open to the public. Persons who wish to attend should notify the Ouray District Ranger, 101 North Uncompahgre Avenue, Montrose, Colorado, telephone number 303–249–3711. Written statements may be filed with the tour committee before or after the meeting.

Dated: June 11, 1976.

JIMMY R. WILKINS,
Forest Supervisor.

[FR Doc.76-17644 Filed 6-16-76;8:45 am]

OREGON

Establishment of Recreation Use Controls Within the Boundaries of the Wild River Area of the Rogue River Component of the National Wild and Scenic Rivers System

CROSS REFERENCE: For a document issued jointly by the Department of Agriculture, Forest Service, and the Department of the Interior, Bureau of Land Management, on the above subject matter, see FR Doc. 76-17595 appearing in the notices section of this issue under Bureau of Land Management.

OREGON BUTTE PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Oregon Butte Planning Unit, USDA–FS–R6–DES (Adm)–76-12.

The environmental statement concerns a proposed land use plan for allocating 404,840 acres of National Forest land to various resource uses and activities.

The draft environmental statement was transmitted to CEQ on June 11, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. and Independence Ave., S.W. Washington, D.C. 20250.
Regional Forester, Multnomah Building, 319 S.W. Pine Street, Portland, Oregon 97204.
Walla Walla Ranger District, 1415 West Rose, Walla Walla, Washington 99362.
Pomeroy Ranger District, Route 1, Box 54–A, Pomeroy, Washington 99347.

A limited number of single copies are available upon request to H. B. Rudolph, Forest Supervisor, Umatilla National Forest, 2517 S.W. Hailey Avenue, Pendleton, Oregon 97801.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to H. B. Rudolph, Forest Supervisor, Umatilla National Forest, 2517 S.W. Hailey Avenue, Pendleton, Oregon 97801. Comments must be received by August 10, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: June 11, 1976.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing and Budgeting.

[FR Doc.76-17645 Filed 6-16-76;8:45 am]

Soil Conservation Service

BOULDER RIVER WATERSHED PROJECT, MONT.

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974), the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Boulder River Watershed project, Jefferson County, Montana, USDA–SCS–EIS–WS–(ADM)–76–1(F)–MT.

The EIS concerns a plan for watershed protection, agricultural water management, fish and wildlife, and recreation. The planned works of improvement provide for a multipurpose reservoir, irrigation canal delivery system, and recreational facilities.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 970, Bozeman, Montana 59715.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: June 10, 1976.

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-17589 Filed 6-16-76;8:45 am]

CRABTREE CREEK WATERSHED PROJECT, N.C.

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Crabtree Creek Watershed Project, Wake and Durham Counties, North Carolina, USDA–SCS–EIS–WS–(ADM)–76–01(F)NC.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment, and 5 floodwater retarding structures.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 310 New Bern Avenue, Raleigh, North Carolina 27611.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: June 10, 1976.

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-17588 Filed 6-16-76;8:45 am]

GRINDSTONE-LOST-MUDDY CREEK WATERSHED PROJECT, MO.

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Grindstone-Lost-Muddy Creek Watershed Project, Clinton, Daviess, DeKalb, and Gentry Counties, Missouri.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. Kenneth G. McManus, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environment impact statement is not needed for this part of the project.

The project concerns a plan for watershed protection, flood prevention, recreation and water supply. The planned works of improvement, as described in the negative declaration, include conservation land treatment supplemented by two single purpose floodwater retarding structures and six grade stabilization structures.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties at the Soil Conservation Service, Parkade Plaza Shopping Center, Terrace Level, 601 Business Loop 70 West, Columbia, Missouri 65201. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: June 9, 1976.

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-17587 Filed 6-16-76;8:45 am]

FEDERAL AND FEDERALLY ASSISTED PROGRAMS AND PROJECTS

Availability of Policy and Procedures for Coordination

This notice is published in accordance with provisions of Chapter 4, Title 4, Agriculture Grant and Agreement Regulations of the U.S. Department of Agriculture Administrative Regulations, published as a notice in the FEDERAL REGISTER on April 13, 1976 (41 F.R. 15464), and Paragraph 7 of Office of Management and Budget (OMB) Circular No. A-95 (Revised), dated January 2, 1976, and published in the Federal Register on January 13, 1976 (41 F.R. 2052). Soil Conservation Service (SCS) programs covered by OMB Circular No. A-95 are Resource Conservation & Development (10.901), and Watershed Protection & Flood Prevention (10.904).

The SCS interim policies and procedures for implementing OMB Circular A-95 are contained in the SCS Administrator's General Memorandum 5 (Rev. 6), which will be available at SCS offices.

Single copy requests for Administrator's General Memorandum 5 (Rev. 6), should be made to the Administrator, Soil Conservation Service, Washington, D.C.

Dated: June 9, 1976.

NORMAN A. BERG,
Acting Administrator.

[FR Doc.76-17646 Filed 6-16-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BROWN UNIVERSITY

Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00484-33-46040. Applicant: Brown University, 68 Brown Street, Division of Biological and Medical Sciences, Cell Biology, Providence, R.I. 02912. Article: Electron Microscope, Model EM 201. Manufacturer: Phillips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in a wide variety of studies ranging from the three dimensional structure of immunoglobulins to the crystalloid inclusions of reproductive cells. Specific studies will include the following:

(1) The cytochemical localization of NA+—K+ activated adenosine triphosphatase activity in the plasma membranes of transport epithelia.

(2) The morphogenesis and substructure of melanin granules in normal melanocytes and in melanomas of the skin.

(3) The sizing, distribution, and chemical characterization of surface coats on the plasma membranes of salt secreting cells under different physiological conditions.

(4) The macromolecular assembly of tubulin protein in the formation of microtubules in yeast.

(5) The localization of specific enzymes and proteins in the subcellular compartments of hepatoma cells.

(6) Cytoplasmic and membrane morphology during cell division in algae.

(7) Morphogenesis and fate of crystalloids during oogenesis in Amphibia.

The article will also be used in training undergrauates, graduate students, postdoctoral fellows, research associates and hospital residents by the use of the electron microscope in their various research programs. Comments: No comments have been received with respect to this application. Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket Number 75-00164-33-46040 which was denied without prejudice to resubmission on March 18, 1975 for informational deficiencies. The applicant in response to Question 8 of this submission alleged the following features of the aritcle to be pertinent to his purposes:

(1) Four Angstroms (Å) point-to-point (pt.) resolution guaranteed with 3.4 Å lattice and 2.5 Å attainable.

(2) Solid-State electronics.

(3) Floor space requirement of 4 x 3 feet.

(4) Design for simple and convenient use by the operator. It is almost impossible for an inexperienced operator to damage the article. The article can be used routinely by an operator after as little as one hour of instruction by a supervisor.

(5) Reliable instrument with little downtime for repairs.

(6) Superior service.

(7) Capability of adding a goniometer stage.

(8) Accelerating voltages from 40 to 100 kilovolts.

(9) Photographic system with both film and plates.

(10) Electric control beam tilting for routine dark field work.

(11) Low specimen contamination.

(12) Totally automatic pumping.

(13) Simple and accurate beam alignment.

The intended use of the article is essentially research-oriented. The training described by the applicant involves the use of the article by a variety of personnel in their various research programs as well as in demonstrating special techniques.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated July 25, 1975 that the Model EMU-4C electron microscope, which is manufactured by the Adam David Company, is the most closely comparable domestic instrument.

HEW further advises that the application should be denied because the applicant provides no pertinent specification within the meaning of Subsection

301.2(n) of the regulations upon which duty-free entry could be based. As to the specific allegations of the applicant in reply to Question 8, in the order listed above, the following is noted:

(1) In addition to citing the guaranteed resolution and attainable resolution of the article, the applicant states that the article's guaranteed resolution is routinely attainable since its specifications are understated. As to this, HEW advises that: (a) the 5 Å pt. guarantee of the EMU–4C is not significantly different for the work described, (b) the 3.4 Å lattice guarantee of the article is from diffraction patterns and is too poorly defined to be pertinent, (c) in a similar manner the 2.5 Å attainable is too poorly defined to be pertinent and (d) the specifications of the article have not been found to be understated. Moreover, the Department notes that in accordance with Subsection 301.11(a) of the regulations, "guaranteed specifications" (not specifications attainable) are considered in our determination.

(2) HEW advises that the solid-state design of the article is a cost-related or convenience feature which is not pertinent.

(3) HEW advises that the floor space requirement of the article is a cost-related or convenience feature which is not pertinent.

(4) HEW advises that convenience of the operator and ruggedness are cost-related or convenience features which are not pertinent.

(5) HEW advises that down-time projections are cost-related and are not pertinent. Further, we note that reliability, which is a cost of ownership associated with the level of maintenance, is not a pertinent specification within the meaning of Subsection 301.2(n) of the regulations.

In general information which can lead to a direct quantitative comparison of the reliability (i.e., ability to conform to specifications without excessive breakdown) of two instruments is almost never available. When a specification is "guaranteed" the manufacturer is stating, in effect that the necessary steps have been taken to verify ability to meet this obligation. Thus a guaranteed specification presupposes a determination of reliability to some "engineered-in" degree. Customarily, manufacturers neither issue quantitative specifications on reliability nor guarantee reliability. Moreover, the reliability of a single instrument can, and frequently does, improve abruptly with time (for example as the manufacturer gains experience and makes minor modifications dictated by such experience). No two instruments of the same model supplied by the same manufacturer will have identical records insofar as reliability is concerned and a documented history of poor reliability does not mean that such performance will not vastly improve with the very next instrument (and subsequent instruments) produced. Without strong and substantive supporting evidence in the record that the reliability of two instruments were measurably different and the difference in reliability precluded performance of the work intended, reliability could not be considered a justifiable basis for duty-free entry under P.L. 89–651. While reputations with respect to reliability which are derived from subjective, word-of-mouth allegations or even personal experience may, reasonably or otherwise, enter into a person's decision to buy a particular instrument, such a yardstick could not serve as a clear-cut, objective basis for duty-free entry.

(6) Service for the EMU–4C is available from the RCA Service Company. Service is a cost-related feature which is not pertinent.

(7) The goniometer stage was not ordered with the foreign article. Subsections 301.2(c), (d) and (e); and 301.6(a) (3) prohibit consideration of unordered accessories in the Department's determination. Therefore, the goniometer stage is not a factor in this decision.

(8) The EMU–4C provides accelerating voltages of 25, 50, 75, and 100 kilovolts (kv). The article provides 40, 60, 80, and 100 kv. HEW advises that the EMU–4C and the article have equivalent accelerating voltages.

(9) The EMU–4C provides a photographic system which includes both film and plates as does the article. HEW advises that the EMU–4C and the article have equivalent photographic capabilities.

(10) HEW advices that dark field microscopy by objective aperture shift or beam tilting is possible in the EMU–4C. Moreover, HEW finds that this feature is a convenience which is not pertinent.

(11) HEW advises that the degree of specimen contamination control is a convenience which is not pertinent.

(12) HEW advises that pumping automation is a convenience which is not pertinent.

(13) HEW advises that the skill needed for beam alignment is a convenience which is not pertinent.

For the foregoing reasons, we find that the Model EMU–4C electron microscope is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76–17648 Filed 6–16–76;8:45 am]

LOS ANGELES COUNTY, ET AL.

Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00330. Applicant: County of Los Angeles, John Wesley Hospital, 2825 South Hope Street, Los Angeles, California 90007. Article: Ultramicrotome, Model LKB 8800A, and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section specimens of human blood and bone marrow for investigation aimed at understanding the normal maturation process of human bone marrow cells and aberrations of this process which occur in neoplastic diseases. The article will also be used to train physicians in techniques for electron microscopy. Application received by Commissioner of Customs: March 9, 1976. Advice submitted by the Department of Health, Education, and Welfare on: June 4, 1976. Article ordered: October 8, 1974.

Docket Number: 76–00340. Applicant: University of Florida Agricultural Research Center, 3205 S.W. 70th Avenue, Fort Lauderdale, Florida 33314. Article: Ultramicrotome, Model LKB 8800A with accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in conjunction with research on the lethal yellowing disease of palms. The materials to be studied include but are not limited to: (1) mature palm vascular tissue, (2) meristematic palm tissue, (3) insects, (4) monolayer insect tissue cultures, and (5) mycoplasma and mycoplasmalike organisms. These materials will be embedded in a variety of hardened epoxy resins, depending on the nature of the specimen, and then ultrathin-sectioned for examination with a transmission electron microscope. Application received by Commissioner of Customs: March 16, 1976. Advice submitted by the Department of Health, Education, and Welfare on: June 4, 1976. Article ordered: February 10, 1976.

Docket Number: 76–00366. Applicant: The University of Texas Health Science Center at Dallas, Department of Pathology—Room H2–104, 5323 Harry Hines Boulevard, Dallas, Texas 75235. Article: Ultramicrotome, Model LKB 8800A, and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, mainly dog and human heart, lung and kidney as well as tissue culture lines exhibiting both normal and pathological structure. The experiments to be conducted will include an evaluation of a number of models of cardiac ischemia utilizing enzyme cytochemistry, diffusion tracer studies of membrane permeability, and energy dispersive x-ray analytical elec-

tron microscopy. The article will also be used for courses entitled Ultrastructure and Cytochemistry which will include instruction in basic and cytochemical techniques of electron microscopy. Application received by Commissioner of Customs: April 7, 1976. Advice submitted by the Department of Health, Education, and Welfare on: June 4, 1976. Article ordered: March 18, 1976.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.90 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket Number 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cuting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket Number 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-17651 Filed 6-16-76;8:45 am]

UNIVERSITY OF FLORIDA

Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours at the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00489-01-77040. Applicant: University of Florida, Department of Chemistry, 109 Leigh Hall, Gainesville, Fla. 32601. Article: Double-beam mass spectrometer, Model MS 30. Manufacturer: AEI Scientific Apparatus, Ltd., United Kingdom. Intended use of article: The article will be used in a number of research projects such as (1) correlation of electron impact-induced decarbonylation of ketones with photochemistry, (2) mass spectrometry of carbonium ion salts, (3) study of chlorocarbon ions, etc. The article will also be used in the course CY 656 to train students to deduce the structure of an organic compound from its IR, UV, NMR, and mass spectra.

Comments: Comments dated May 29, 1973 have been received from E. I. DuPont De Nemours and Company (DuPont) which state inter alia that the DuPont type 21-492 mass spectrometer, a domestic instrument, is of equivalent scientific value to the foreign article. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 13, 1971).

Reasons: This application is a resubmission of Docket Number 72-00307-01-77040 which was denied without prejudice to resubmission on December 27, 1972 for informational deficiencies. The foreign article provides the capability for dual-beam performance with high resolution (on the order of 10,000 at 10 percent valley definition) and reversed Nier Johnson for one beam. The most closely comparable domestic instrument is the model 21-492 series, manufactured by DuPont. The domestic 21-492 series provides the capability for single-beam performance with high resolution. DuPont, in its comments, claimed that the experiments which the applicant intends to perform with simultaneous scans on a double-beam instrument can be performed by single-beam instrument using admixed standards or sequential analyses. The National Bureau of Standards (NBS) advises in its memorandum dated March 3, 1976 that: (1) "* * * The amounts of samples are extremely small, on the order of 0.1 micromole or less. The applicant, therefore, requires to obtain the greatest amount of information possible from each sample. The two channels of the foreign article may be operated so that one channel requires a minimum of sample at high sensitivity—consequently low resolution—for the unknown while the other channel is operating at low sensitivity—consequently high resolution—for a reference material of a known mass. From these two mass spectra, matched in peak registration for a given material to better than 5 parts per million over the mass range, it is possible to generate a computed high resolution mass spectrum even though the channel with the unknown was actually operated at low resolution and high sensitivity. Although in principle the deconvolution technique required in the generation of the computed high resolution mass spectrum could be used for two successive scans of a single beam instrument, with one scan at high-resolution and low sensitivity and the other vice versa, as of the time of order of the foreign article we know of no such experiment that has been reported in the literature. We find that the elucidation of the technique for a single-beam instrument constitutes a development effort with no guarantee of success * * *"; (2) the dual-beam specification of the article is pertinent to the applicant's intended studies of insect sex attractants, gamma radiolysis of hydrocarbon and halid systems, and heterocyclic aromatic compounds and (3) that it knows of no domestic dual-beam high-resolution mass spectrometer available at the time the foreign article was ordered. The Department of Health, Education, and Welfare (HEW) in its memorandum dated August 30, 1973 provides similar advice. HEW notes that "* * * admixed or sequential analysis techniques are not scientifically equivalent when the sample is available in very small amounts; particularly when the time of its arrival from the gas chromatograph may be unknown. * * *"

For these reasons, we find that the mass spectrometers of the model 21-492 series were not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-17649 Filed 6-16-76;8:45 am]

NEBRASKA, UNIVERSITY OF, LINCOLN

Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00316. Applicant: University of Nebraska—Lincoln, Department of Chemistry, Lincoln, Nebraska 68588. Article: Gas Chromatograph/Mass Spectrometer, Model MS-5074. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended use of article: The article is intended to be used for the following research projects:

I. Identification and Structure Proof of Organic Compounds and Natural Products—Identification of reaction products and intermediates to separate and identify reaction mixtures and naturally occurring mixtures.

II. Development of Chemical Ionization as a Selective Structural Tool.—Development of new reagent gases to aid in the location of double bonds in alkenes, fatty acids, esters, and alcohols, and other natural products.

III. Gas phase kinetics and Equilibria.—Examination of various chemical and physical properties of gas phase ions and neutral molecules using chemical ionization.

IV. Ion Structures and Mechanisms of Ionic Decompositions.

V. Analytical Applications of Metastable Ion Studies.

VI. Pattern Recognition.

VII. Biochemical Research.—Analytical methods will be investigated using both chemical ionization, GC introduction, and high resolution to determine the chemical modifications of polynucleotides induced by UV light and chemical mutagens, and to analyze various components extracted from cell membranes.

VIII. Inorganic Research.—Mass spectral studies of uranium organometallics, manganese (III) porphyrins, and dinitrogen complexes of transition metals will be made in an attempt to elucidate structure and fragmentation pathways.

The article will also be used by graduate students conducting the above listed research projects in programs directed at the acquisition of either a M.S. or Ph.D. degree.

Comments: No comments have been received with respect to this application. Decision: Application aproved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 1, 1975). Reasons: The foreign article provides a static resolving power of 150,000 (10% valley). The National Bureau of Standards (NBS) advises in its memorandum dated May 27, 1976 that (1) the capability of the article described above is pertinent to the applicant's intended purposes (2) at the time the foreign article was ordered comparable domestic instruments did not provide the pertinent feature and (3) it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as this article is intended to be used which was available at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-17650 Filed 6-16-76;8:45 am]

National Oceanic and Atmospheric Administration

ROGER J. READ

Issuance of Endangered Species Permit

On April 21, 1976, notice was published in the FEDERAL REGISTER, (41 F.R. 16667) that an application had been filed with the National Marine Fisheries Service by Mr. Roger J. Reed, Leader, Massachusetts Cooperative Fishery Research Unit, Holdsworth Hall, University of Massachusetts, Amherst, Massachusetts 01002, for a Scientific Purposes Permit to take an unspecified number of shortnose sturgeon (*Acipenser brevirostrum*) an endangered species of fish.

Notice is hereby given that on June 10, 1976, the National Marine Fisheries Service issued a Scientific Purposes Permit, as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), to Roger J. Reed, subject to certain conditions set forth therein.

The Permit authorizes the Holder to take shortnose sturgeon (*Acipenser brevirostrum*) by conducting the following activities: (1) Capture by seine and gill nets between the Holyoke and Turner Falls dams on the Connecticut River; (2) by marking by dart tagging or sonic tagging the specimens collected; (3) temporarily retaining certain captured specimens in running water containers; (4) release of all live specimens into the Connecticut River at or near the site of capture; and (5) retention, for scientific documentation purposes, of all captured specimens which inadvertently die. An unspecified number of shortnose sturgeon may be captured and observed but not more than one hundred (100) shortnose sturgeon of at least eighteen inches (18") in length are to be tagged.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on a finding that such Permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with, and is subject to, Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits (39 FR 14367, November 27, 1974).

The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: June 10, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-17622 Filed 6-16-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75F-0083]

CINCINNATI MILACRON CHEMICALS, INC.

Amendment to Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice was given in the FEDERAL REGISTER of June 16, 1975 (40 FR 25501) that a petition (FAP 4B2964) had been filed by Cincinnati Milacron Chemicals, Inc., West St., Reading, OH 45215, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of dimethyltin/monoethyltin isooctylmercaptoacetates as a stabilizer for use in the manufacture of rigid polyvinyl chloride polymeric articles intended for use in contact with dry food.

The petitioner has amended the petition by deleting the coverage requested above and proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of the subject additive as a stabilizer for use in the manufacture of rigid polyvinyl chloride water pipe.

An environmental impact analysis report has been submitted by the peti-

tioner. Copies of the report are available in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 and the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Dated: June 7, 1976.

A. C. KOLBYE,
Acting Director, Bureau of Foods.

[FR Doc.76-17610 Filed 6-16-76;8:45 am]

Health Services Administration

QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS

List of Entities

Notice is hereby given, pursuant to 42 CFR § 110.605, that in the month of May 1976 the following entities have been determined to be qualified health maintenance organizations under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)).

LIST OF QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS

NAME, ADDRESS, SERVICE AREA, AND DATE OF QUALIFICATION

(Transitionally qualified health maintenance organization: 42 CFR § 110.603(b))

1. Georgetown University Community Health Plan, Inc., Suite 300, 5125 MacArthur Boulevard, N.W., Washington, D.C. 20016. Service area: Washington, D.C.; Arlington County, Fairfax County, Prince William County, Loudoun County, Falls Church, Fair-Fax, Alexandria, Manassas, and Manassas Park, Virginia; Montgomery County, and Prince Georges County, Maryland. Date of qualification: May 26, 1976.

(Pre-operational qualified health maintenance organization: 42 CFR § 110.603(c))

2. Health Care Plan of New Jersey, Inc., 123 North Church Street, Moorestown, New Jersey 08057. Service area: Burlington County and adjacent municipalities within Camden County.

The zip codes included in the area are as follows:

BURLINGTON COUNTY

08010	08048	08075
08011	08052	08077
08015	08053	08088
08016	08054	08505
08019	08055	08511
08022	08057	08518
08036	08060	08534
08041	08064	08562
08042	08068	
08046	08073	

CAMDEN COUNTY

08004	08045
08007	08049
08009	08083
08026	08084
08033	08091
08034	08106
08035	

Date of qualification: May 27, 1976.

Files containing detailed information regarding the qualified health maintenance organizations will be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, at the Office of the Administrator, Health Services Administration, Department of Health, Education, and Welfare, Room 14A-27, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Questions about the review process or requests for information about qualified health maintenance organizations should be sent to the same office.

Dated: June 7, 1976.

JOHN H. KELSO,
Acting Administrator,
Health Services Administration.

[FR Doc.76-17593 Filed 6-16-76;8:45 am]

Office of the Assistant Secretary for Health

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council.

Date and Time: July 12, 1976 (10:00 a.m. to 5:00 p.m.). July 13, 1976 (9:00 a.m. to 1:00 p.m.)

Place: Auditorium (first floor), DHEW North Building, 330 Independence Avenue, S.W., Washington, D.C.

Purpose of Meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI), Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to William D. Coughlan, Staff Director, National Professional Standards Review Council, Office of Quality Standards, Room 16A-09, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: June 10, 1976.

WILLIAM B. MUNIER,
Executive Secretary, Natioinal Professional Standards Review Council.

[FR Doc.76-17670 Filed 6-16-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-76-429]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY, HOUSING PRODUCTION AND MORTGAGE CREDIT

Amendment of Delegation of Authority

The Department is further amending the Delegation of Authority to the Assistant Secretary and Deputy Assistant Secretary for Housing Production and Mortgage Credit at 36 FR 5007 (March 16, 1971), as amended, to include authority with respect to making, and contracting to make, interest subsidy grants to or on behalf of State housing finance or State development agencies, pursuant to § 802(c)(2) of the Housing and Community Development Act of 1974, 42 U.S.C. § 1440(c)(2).

Accordingly, section A of the Delegation of Authority to the Assistant Secretary and Deputy Assistant Secretary, published at 36 FR 5007 (March 16, 1971), as amended at 36 FR 12182 (June 26, 1971), 37 FR 9251 (May 6, 1972), 37 FR 15444 (August 2, 1972), and 40 FR 39920 (August 20, 1975), is further amended by adding a new "paragraph 10" to read as follows:

10. § 802(c)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. § 1440(c)(2)) with respect to making, and contracting to make, interest subsidy grants to or on behalf of State housing finance or State development agencies to cover not to exceed 33⅓ per centum of the interest payable on bonds, debentures, notes and other obligations issued by such agencies to finance development activities in furtherance of the purposes of § 802.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).)

Effective date: This amendment is effective June 11, 1976.

JOHN B. RHINELANDER,
Acting Secretary of Housing and Urban Development.

[FR Doc.76-17793 Filed 6-16-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76-110]

NATIONAL OFFSHORE OPERATIONS INDUSTRY ADVISORY COMMITTEE

Subcommittee Open Meeting

The National Offshore Operation Industry Advisory Committee's Subcommittee on Mobile Offshore Units will conduct an open meeting 13 July in Room 8236 of the Nassif Building, 400 7th Street S.W., Washington, D.C. The meeting is scheduled to begin at 9:00 a.m. The meeting will continue at 9:00 a.m. on 14 July if necessary.

The agenda for this meeting of the Subcommittee on Mobile Offshore Units will address the draft regulations pertaining to the construction and inspection of Mobile Offshore Units.

The Coast Guard National Offshore Operations Industry Advisory Committee was established to provide advice and consultation to the Marine Safety Council with respect to offshore operations and the coastal environment including, but not limited to, offshore oil and mineral exploitation, transmission of energy resources, and support activities.

Public members of this committee serve voluntarily without compensation

from the Federal Government for either travel or per diem.

Interested persons may obtain additional information or the summary of the minutes of the meeting by writing to:

Captain G. K. Greiner, Jr., Executive Director, Commandant, G-CMC/81, U.S. Coast Guard, Washington, D.C. 20590.

or by calling 202-426-1477.

This Notice is issued under section 10 (a) of the Federal Advisory Committee Act (P.L. 92-463, 86 Stat. 770, 5 U.S.C. App. I).

Dated: June 10, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard Chief, Office of Merchant Marine Safety.

[FR Doc.76-17669 Filed 6-16-76;8:45 am]

Federal Highway Administration

NATIONAL ADVISORY COMMITTEE ON UNIFORM TRAFFIC CONTROL DEVICES

Open Meeting

Pursuant to Executive Order 11671, the Federal Highway Administration announces the meeting dates and relevant information for the Mid-Year Meeting of the National Advisory Committee on Uniform Traffic Control Devices. The meeting will be held June 30–July 1, 1976, at the Alameda Plaza, Kansas City, Missouri. Subcommittee working sessions are scheduled for June 30 with the full Committee session to be held July 1 beginning at 8:30 a.m.

For further information contact the Office of Traffic Operations, Federal Highway Administration, 400 7th Street, SW., Washington, D.C. Code 202/426-0411. Attendance by the public will be limited to space available.

Purpose. This Committee reviews currently approved standards, guides and warrants for traffic control devices contained in the Manual on Uniform Traffic Control Devices, the national standard for all classes of highways. Revisions and proposed new standards to meet new developments and improvements are developed as needed.

The Committee makes studies, conducts investigations, prepares reports, develops recommendations and advice to assist the Federal Highway Administrator in developing appropriate standards as authorized in 23 U.S.C. 109(d) and 402(a).

Agenda. The meeting agenda includes reports and recommendations of the chairmen of the technical subcommittees on signs, signals, pavement markings, traffic controls for construction and maintenance areas, and traffic controls for bicycle facilities. Recommendations from the subcommittees on proposed additions to or revisions in current traffic control device standards will be discussed and action taken relative to providing appropriate advice to the Federal Highway Administration on these matters.

JAMES J. CROWLEY,
Director, Office of Traffic Operations.

[FR Doc.76-17603 Filed 6-16-76;8:45 am]

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Public Meeting

On July 15, 1976 the National Motor Vehicle Safety Advisory Council will hold an open meeting in the DOT Headquarters Building, 400 Seventh Street, S.W., Washington, D.C. The Advisory Council is composed of 25 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufactuers, and motor vehicle dealers. The Advisory Council makes recommendations to the Secretary of Transportation on motor vehicle safety and property loss reduction programs carried out by the National Highway Traffic Safety Administration.

The following meeting is subject to the approval of the National Highway Traffic Safety Administrator.

On July 15 in room 6200 the full Council will meet beginning at 9:00 a.m. with the following agenda:

Approval of April Meeting Minutes
Discussion of Proposed Council Report on NHTA Safety Defects and Recall Program
Discussion of Proposed Council Report on NHTSA Motor Vehicle Research and Development Program
Motor Vehicle Safety Seminar Reports
Fifth International Congress Progress Report
New Business/Old Business

For further information contact the NHTSA Executive Secretary, room 5215, 400 Seventh Street SW., Washington, D.C., telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: June 10, 1976.

CRAIG L. MILLER,
Acting Executive Secretary.

[FR Doc.76-17604 Filed 6-16-76;8:45 am]

[Docket 28339]

CIVIL AERONAUTICS BOARD

JETSAVE LTD.

Indirect Foreign Air Carrier Permit Application (U.K.); Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on July 27, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Ave. NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., June 11, 1976.

JANET D. SAXON,
Administrative Law Judge.

[FR Doc.76-17694 Filed 6-16-76;8:45 am]

[Docket 28807]

SEATTLE/PORTLAND-JAPAN SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in this proceeding, now scheduled to be held on June 14, 1976, (41 F.R. 20909, May 21, 1976), is hereby postponed to July 12, 1976, at 9:30 a.m., (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., June 11, 1976.

RONNIE A. YODER,
Administrative Law Judge.

[FR Doc.76-17695 Filed 6-16-76;8:45 am]

[Docket 28655]

TRANS INTERNATIONAL AIRLINES, INC.

Notice of Postponement of Hearing

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearings in the *Seattle/Portland-Japan Service Investigation*, Docket 28655, will begin on August 9, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room "A", Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before Associate Chief Administrative Law Judge Ross I. Newmann.[1]

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report served on March 1, 1976, the Supplemental Prehearing Conference Report served on March 16, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 11, 1976.

ROSS I. NEWMANN,
Associate Chief Administrative Law Judge.

[FR Doc.76-17693 Filed 6-16-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

INDIA

Announcing Additional Officials of the Government of India Authorized To Issue Export Visas and Certifications for Exempt Cotton Textile Products From India

JUNE 15, 1976.

On March 22, 1976, there was published in the FEDERAL REGISTER (41 FR 11869) a notice dated March 16, 1976 which announced amendments to the certification procedure for certain cotton textile products which are exempt from the Bilateral Cotton Textile Agreement of August 6, 1974, as amended, between the Governments of the United States

[1] Daily copy of the transcript is not necessary within the meaning of Rule 302.24-(k)(2).

and India. The notice stated that the names of officials authorized by the Government of India to issue both export visas and certifications for exemption would be published at a later date.

The Government of India has designated the following officials to issue export visas and certifications for exempt cotton textile products, in addition to those named previously (41 FR 15441):

B. W. Adkar
T. K. Basu
I. B. Desai
K. S. Krishnamurthy
Mrs. I. R. Menon
K. R. Menon
M. M. Mohan
T. N. Lakshman Rao
M. C. Sarkar
M. N. Shankar
S. Srinivasan
S. D. Subramaniam
B. P. Sudhakar
R. A. Suvarna
Mrs. Jaya Swaminathan
K. V. Upadhaya

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-17808 Filed 6-16-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 563-5]

MARINE SANITATION DEVICE STANDARD FOR NEW YORK

Removal and Treatment of Sewage

On March 22, 1976, notice was given that the State of New York had petitioned the Administrator, U.S. Environmental Protection Agency to determine, pursuant to section 312(f)(3) of Pub. L. 92-500, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are seasonably available for the New York waters of Lake Champlain, situated in Washington, Essex, and Clinton Counties, New York (41 FR 11869, March 22, 1976).

Section 312(f)(3) states,

> After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such waters, to which such prohibition would apply.

Following an examination of the petition and supporting information, and in consideration of all comments received pursuant to the March 22 FEDERAL REGISTER notice, I have determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the New York waters of Lake Champlain, situated in Washington, Essex, and Clinton Counties, New York. This determination is made pursuant to section 312(f)(3) of Pub. L. 92-500.

In its petition, the State of New York certified that there are eight pump-out facilities for the New York waters of Lake Champlain and that each facility is either connected to a municipal waste collection system or has its own approved sub-surface disposal system for waste treatment. The petition stated that for both the New York and Vermont waters of Lake Champlain there are 15 such pump-out facilities, located in areas of maximum use, having an estimated aggregate capacity of 1,350 vessels per day, assuming each operates for a period of 10 hours daily. The petitioner certified that the capacity of such pump-out facilities is ample to handle any peak period of vessel traffic on Lake Champlain, that pump-out facilities generally operate during the daylight hours, daily, except in a few instances where facilities remain open as late as 11 p.m., that such facilities operate during the boating season from ice-out to ice-in, roughly from mid-April to mid-November, and that vessels that draw up to four feet can be handled at all facilities.

In commenting on the petition, the New York State Waterways Association, Inc. questioned whether there were pump-out facilities in either the States of New York or Vermont that are capable of handling a tug and barge or tug tankers, or whether the waters are deep enough to permit them to come into dock. Information supplied to me by the New York State Department of Environmental Conservation and by the State of Vermont Agency of Environmental Conservation indicates that the Lake Champlain Transportation Company Dock in Burlington, the Shelburne Shipyard and Marina, and the State Dock in Plattsburgh all have sufficient draft, lengths and structural stability to handle any barges or tugs operating on Lake Champlain. All of the Spentonbush Transportation Service vessels that operate on Lake Champlain are equipped with recirculating toilets, and the Mobil Oil Corporation vessels, the Kehoe Brothers Company tugs, the McAllister Brothers tugs, and the Lake Champlain Transportation Company ferries have holding tanks already provided. The vessels of the Pittston Marine Company are equipped with electric incinerators. All of the aforementioned companies have made adequate arrangements for the disposal of their holding tank contents, either by septic tank pumper, or, in the case of those few vessels with portable toilets, through shoreside disposal.

Two other comments were received in opposition to the petition and five additional comments were received in support of the petition.

Dated: June 10, 1976.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.76-17586 Filed 6-16-76;8:45 am]

[FRL 563-4; OPP 66018]

PESTICIDE PROGRAMS

Cancellation of Registration of Pesticide Products Containing Chlordecone (Kepone)

Pursuant to section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), the Environmental Protection Agency (EPA) has notified Allied Chemical Co., Agr. Div. Pesticide Mktg. Dept., 2415 Cavalcade St., P.O. Box 21163, Houston, Texas 77026, of its intention to cancel the registration of all these products containing the active ingredient chlordecone (kepone):

EPA registration No:	*Product name*
218-504	Allied Chemical Kepone/ Ant & Roach Paste.
218-515	Allied Chemical Kepone/ Ant Trap.
218-535	Allied Chemical Kepone Roach Trap.
218-537	Allied Chemical Kepone Ant Paste Trap.
218-539	Allied Chemical Kepone Insecticide Pellets.
218-540	Allied Chemical Kepone/ Insecticide Paste.
218-541	Allied Chemical Kepone/ Paste Roach Trap.
218-544	Allied Chemical 25% Kepone/Special Mixture.
218-533	Allied Chemical Kepone/ Ant and Roach Bait Pelleted.
218-566	Allied Chemical 5% Kepone Dust.
218-589	Allied Chemical 80% Kepone Concentrate.
218-605	Allied Chemical Kepone/ Ant & Roach Paste (Tube Package).

The Agency has discussed this cancellation action with representatives of the Allied Chemical who have indicated concurrence with the intended cancellation. Such cancellation shall be effective within 45 days from the date of signature of this notice, unless the registrant, or other interested persons with the concurrence of the registrant, request that these registrations be continued in effect.

Requests that the registration of products containing chlordecone (kepone) be continued may be submitted in triplicate to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, East Tower, Rm. 401, 401 M St. SW., Washington, D.C. 20460. The comments should bear a notation indicating both the subject and the OPP document control number "OPP-66018." Any comments filed regarding this notice of cancellation will be available for public inspection in the office of the Federal Register Section from 6:30 a.m. to 4 p.m. Monday through Friday.

Dated: June 9, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-17585 Filed 6-16-76;8:45 am]

FARM CREDIT ADMINISTRATION

PRIVACY ACT OF 1974

Amendment to Notices of Existence and Character of Systems of Records

The Farm Credit Administration, in order to implement the Privacy Act of 1974, adopted notices of the existence and character of the systems of records containing information about individuals which it maintains (40 FR 46288, October 6, 1975, as amended, December 31, 1975, 40 FR 60111). A proposed amendment of the system of records entitled "FCA—7–Employee attendance, leave, and payroll records" was published in the FEDERAL REGISTER for April 20, 1976 (41 FR 16612). Interested persons were afforded the opportunity to file written comments on the proposed amendment not later than May 14, 1976. No comments were received. Therefore, the proposed amendment is adopted without change. Accordingly, the following paragraph is added to the system of records FCA—7, as amended:

System Name: Employee attendance, leave, and payroll records—FCA.

* * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

* * * * *

Information in this record system may be disclosed as a routine use to Federal, State and local taxing authorities concerning compensation to employees or contractors for personal services; to the Civil Service Commission, Department of the Treasury, Department of Labor and other Federal agencies concerning pay, benefits, and retirement of employees; to Federal employees health benefits carriers concerning health insurance of employees; to financial organizations concerning employee savings account allotments and net pay to checking accounts; to State human resource offices administering unemployment compensation programs; to educational and training organizations concerning employee qualifications and identity for specific courses; and to heirs, executors and legal representatives of beneficiaries.

C. K. CARDWELL,
Acting Governor,
Farm Credit Administration.

[FR Doc.76-17641 Filed 6-16-76;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 2628]

ALABAMA POWER CO.

Filing of Application for Amendment of License and Request for Hearing

JUNE 10, 1976.

Public notice is hereby given that Alabama Power Company (Alabama), licensee for the Crooked Creek Project No. 2628, filed on January 31, 1975, an application for amendment of its license. Specifically, Alabama would have the license amended as follows:

(a) Article 8 of the license establishes a 6 percent specified rate of return per annum. Licensee wishes this changed to a specified rate of return that will be one and one-half times the weighted average cost of debt capital of the Licensee actually outstanding as of the end of the calendar year for which the surplus earnings of the project are being determined pursuant to Section 10(d) of the Federal Power Act (16 U.S.C. 803).

(b) Article 50 of the license be amended to delete the requirement that the Licensee acquire certain lands in fee for shoreline control, and substitute a provision that the Licensee be required to place within the project boundary only its shoreline lands of the width and dimensions now required by Article 50 for the purpose of shoreline control. The Licensee also asks that it not be required to purchase and place within the project boundary additional lands it does not now own, for the purpose of shoreline control. In connection with shoreline lands not now owed by Licensee, it would obtain an easement in a two-foot strip of land from elevation 793 to elevation 795 for flood control purposes only.

(c) Licensee further requests that Article 50 be amended to provide that it need not place within the project boundary its shoreline lands in the event adequate local zoning rules and regulations are adopted in the future under appropriate state law.

(d) Licensee requests the Commission to convene a hearing to receive comments and testimony on the question of "shoreline control", and further requests that such hearing be held in Wedowee, Alabama to facilitate participation in the hearing by affected citizens and landowners.

Any person desiring to be heard or to make protests with reference to the proposed amendments of the License for Project No. 2628 filed by the Licensee, Alabama Power Company, should on or before July 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Persons wishing to become parties to the proceedings or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The Application to amend the License for Project No. 2628 is on file with this Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17706 Filed 6-16-76;8:45 am]

[Docket No. ER76-721]

ARIZONA PUBLIC SERVICE CO.

Tender of Service Agreement

JUNE 10, 1976.

Take notice that on June 1, 1976, Arizona Public Service Company (APS) tendered for filing a Wholesale Power Supply Agreement, dated May 17, 1976, between APS and the United States Bureau of Indian Affairs on behalf of the San Carlos Indian Irrigation Project. An effective date of June 1, 1976 is requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17715 Filed 6-16-76;8:45 am]

[Docket No. RP74-82]

COLUMBIA GAS TRANSMISSION CORP.

Filing of Refund Report

JUNE 10, 1976.

Take notice that on May 28, 1976, Columbia Gas Transmission Corporation (Columbia) filed a refund report in the capitioned proceeding. Columbia states that it has made refunds pursuant to a settlement agreement approved by the Commission by crediting $37,497,848.43 to its April 1976 monthly invoice.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 29, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17713 Filed 6-16-76;8:45 am]

[Docket No. E-9294]

DETROIT EDISON CO.

Tender of Rate Schedules Pursuant to Settlement Order

JUNE 10, 1976.

Take notice that by letter dated May 25, 1976, The Detroit Edison Company (DE), tendered for filing pursuant to the Commission's "Order Accepting Settlement Agreement," Paragraph "B," dated April 26, 1976, in the above captioned docket rate schedules for the City

of Crosswell; Thumb Electric Cooperative; Consumers Power Company at Pontiac, Michigan; Village of Clinton; Southeastern Michigan Rural Electric Cooperative; Village of Sebewaing; and the Michigan Municipal Cooperative Power Pool reflecting the terms of the settlement agreement, according to DE.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17704 Filed 6-16-76;8:45 am]

[Docket No. CP76-382]

EASTERN SHORE NATURAL GAS CO.

Application

JUNE 10, 1976.

Take notice that on May 25, 1976, Eastern Shore Natural Gas Company (Applicant), Box 615, Dover, Delaware 19901, filed in Docket No. CP76-382 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation under amended Rate Schedule T-1 of its FPC Gas Tariff, Original Volume No. 1. of up to 7,000 Mcf of gas per day for Delmarva Power & Light Company (Delmarva), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Application states that Rate Schedule T-1 is currently available to Delmarva for the transportation of natural gas purchased by Delmarva for delivery by Applicant through its pipeline facilities from a point near Parkesburg, Pennsylvania, to a point near Newark, Delaware. It is said that Delmarva is an intrastate gas distribution company which also sells electric power and serves approximately 74,000 customers in northern Newcastle County, Delaware. Applicant proposes to increase up to 7,000 Mcf the daily volume of gas transported by it for Delmarva. The application indicates that amended Rate Schedule T-1 provides that the maximum daily quantity shall be the maximum volume, as specified in the service agreement, which Delmarva shall purchase and tender to Applicant for transportation and that in order to provide operating flexibility Applicant and Delmarva may agree to increase the daily volume up to 7,000 Mcf of gas per day. Any gas delivered in excess of the maximum daily quantity would be balanced out. Applicant states that no sale of natural gas is herein proposed and no additional facilities would be required for the subject proposal.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17703 Filed 6-16-76;8:45 am]

[Docket No. RP72-134 (PGA76-17)]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

JUNE 11, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on June 1, 1976, tendered for filing Thirty-First Revised Sheet No. 3A and Thirty-First Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to be effective July 1, 1976, will increase the commodity or delivery charges of Eastern Shore's Rate Schedules CD-1, CD-E, E-1, I-1 and PS-1 by .004¢ per Mcf. These increases reflect corresponding increases by Transcontinental Gas Pipe Line Corporation (Transco), Eastern Shore's sole supplier, in its filing of May 14, 1976, in FPC Docket No. RP75-75. Transco's filing reflected a "tracking" rate increase for advance payments made by it to be effective July 1, 1976.

Pursuant to Section 154.51 of the Regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of Section 154.22 of those Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted to become effective as of July 1, 1976, to coincide with the effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's May 14 filing of its revised tariff sheets prohibited Eastern Shore from fulfilling the prescribed notice requirements under the General Terms and Conditions of its Tariff.

Eastern Shore states that copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (10 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17708 Filed 6-16-76;8:45 am]

[Docket Nos. CP73-258, CP73-259, CP73-260, CP73-267, CP73-268, CP73-269, CP73-270, CP73-271, CP73-272, CP73-273, CP73-284]

EL PASO EASTERN CO., ET AL.

Intent To Act

JUNE 11, 1976.

El Paso Eastern Company, El Paso Natural Gas Company, Transco Energy Company, Transco Terminal Company, Transco Energy Company, Transcontinental Gas Pipe Line Corporation, Southern Energy Company, Southern Natural Gas Company, Consolidated System LNG Company.

The Attorney General, the Public Advocate, the Boroughs of Swedesboro and Paulsboro and the C.O.L.T.S.[1] all of New Jersey; the Commonwealth and Department of Environmental Resources of Pennsylvania; and the State and Attorney General of Delaware on May 10, 1976, filed a motion to hold in abeyance any and all action in the above docket pending the results of a rulemaking proceeding proposed by a petition filed on May 6, 1976, in Docket No. RM76-13. Answers

[1] Concerned Citizens of Logan Township Safety.

have been filed by Transcontinental Gas Pipe Line Corporation (Transco), Transco Energy Company and Transco Terminal Company, and by the Staff of the Commission.

On June 7, 1976, El Paso Algeria filed a motion requesting postponement of procedural dates until a restructured project is filed stating that such a project will not include the terminal facilities at Raccoon Island, Gloucester County, New Jersey, as had originally been proposed.

Until opportunity is afforded for response to El Paso Algeria's motion and the motions can be considered together this Commission will not act, but intends to do so when it is appropriate. Therefore none of these motions shall be deemed denied under Section 1.12(e) of the Commission's Rules.

By Direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17711 Filed 6-16-76;8:45 am]

[Docket No. ER76-729]

IOWA PUBLIC SERVICE CO.

Tariff Change

JUNE 11, 1976.

Take notice that Iowa Public Service Company, on June 3, 1976, tendered for filing proposed changes in its F.P.C. Electric Service Tariff, Volume No. 1. The proposed changes would increase revenues in jurisdictional sales and service by $159,652 based on the twelve month period, ending December 31, 1975. The company requests that the proposed increase be made effective on July 5, 1976.

The reasons for this increase in electric revenues are the current normal ones, namely the increased pressure of inflation and the cost of capital.

Copies of the filing were served upon the public utility jurisdictional customers and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 25, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17709 Filed 6-16-76;8:45 am]

[Docket No. CP75-308]

MICHIGAN WISCONSIN PIPE LINE CO.

Amendment to Application

JUNE 10, 1976.

Take notice that on June 2, 1976, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP75-308 an amendment to its application filed in said docket pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a deferred exchange of natural gas with Northern Natural Gas Company (Northern), by which amendment Applicant proposes to exchange gas for a term longer than that initially proposed, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

Northern, certificate applicant in Docket No. CP75-304, initially proposed to deliver to Applicant from April 27, 1975, through September 27, 1975, up to 10,400,000 Mcf of natural gas in exchange for redeliveries by Applicant from March 27, 1977, through September 27, 1977, or during the same period of 1978 or both. Under certain conditions the volumes not redelivered by Applicant would be used by Applicant for Northern's account as base gas in support of a long-term storage service to be provided by Applicant.

Applicant states that Northern commenced deliveries under a temporary certificate issued May 8, 1975, and that due to conditions beyond the control of both parties, Applicant was able to accept during the summer of 1975 only 2,100,000 of the 10,400,000 Mcf exchange volume. Applicant states further that it has entered into an amendatory agreement with Northern which provides that deliveries of 10,400,000 Mcf of gas might be made by Northern to Applicant from April 27, 1975, through September 27, 1975, and April 27, 1976, through September 27, 1976, and redeliveries would be made by Applicant from March 27, 1977, through September 27, 1977, or during the same periods of 1978 and 1979 or during all three periods. Said agreement also provides for the use of unredelivered gas for Northern's benefit in the development of storage fields by Applicant. Accordingly, Applicant requests authorization to exchange gas with Northern for a term in excess of that initially proposed.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17716 Filed 6-16-76;8:45 am]

[Docket No. ER76-629]

TAMPA ELECTRIC CO.

Response to Deficiency Letter

JUNE 10, 1976.

Take notice that on June 3, 1976 Tampa Electric Company (TEC) tendered for filing a response to a letter dated May 20, 1976 from the Secretary stating that the original filing was deficient. The response contains information which, according to TEC, shows the proposed fuel clause conforms to the Commission's Regulations. The response also provides cost support data for the items included in the fuel adjustment clause. TEC further states that its coal purchases from Cal-Geo, a subsidiary, are scrutinized by the Florida Public Service Commission and, therefore it is unnecessary to file the contract between the parties as a rate schedule. This response also includes an explanation of certain figures from Schedule 2 of the filing.

TEC requests waiver of the Commission's Regulations in order to permit an effective date of May 1, 1976 for its filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before June 25, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17717 Filed 6-16-76;8:45 am]

[Docket Nos. RP74-100 and RP76-4 (PGA76-8)]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

JUNE 11, 1976.

Take notice that on May 27, 1976, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Tariff, Original Volume No. 1, Second Substitute Seventh Revised Sheet No. 4, proposed to be effective July 1, 1976.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provisions in Section 17 of the General Terms and Conditions. National further states that such tariff sheet reflects an adjustment in National's rates of 3.80¢ per MCF on Second Substitute Seventh Revised Sheet No. 4.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17707 Filed 6-16-76;8:45 am]

[Docket No. RP75-108]

NATIONAL GAS PIPELINE COMPANY OF AMERICA

Conference

JUNE 10, 1976.

Take notice that a conference will be held in the above-entitled proceeding on Tuesday, June 29, 1976, commencing at 10:00 A.M. in a hearing or conference room at the Commission's offices located at 825 North Capitol Street, N.E., Washington, D.C. This conference is being called in order to facilitate the discussion and possible resolution of remaining issues in this proceeding prior to the convening of formal rate hearings. All interested parties are invited to attend.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17714 Filed 6-16-76;8:45 am]

[Docket No. ER76-722]

NEW ENGLAND POWER CO.

Notice of Initial Filing

JUNE 11, 1976.

Take notice that New England Power Company (NEP) on June 1, 1976 tendered for filing as an initial rate schedule an agreement under which Boston Edison Company (Edison) will pay to NEP carrying charges relating to certain 345 kV transmission facilities constructed by NEP for use by Boston Edison Company. The agreement provides for payments to be made over a period of thirty years or until earlier modified or terminated under the terms of the agreement.

According to NEP, the facilities covered by the agreement have been constructed by NEP to meet Edison's need to establish in the northern portion of its service area an interconnection with NEP's 345 kV transmission grid. Although NEP's transmission requirements did not call for the construction of additional 345 kV transmission facilities in the area at the time, NEP did undertake pursuant to the terms of the agreement, including payment of full carrying charges, to design, construct and put into service new 345 kV facilities extending from its Sandy substation in Ayer, Massachusetts to a point of interconnection on the Billerica-Burlington, Massachusetts, town line to which Edison built 345 kV facilities northward from its Woburn, Massachusetts, substation. Construction has been substantially completed and it is expected that the new facilities will be energized July 1, 1976.

New England Power Company has requested that the agreement be accepted for filing and permitted to become effective July 1, 1976.

A copy of the filing was served upon Boston Edison Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17710 Filed 6-16-76;8:45 am]

[Project No. 2105]

PACIFIC GAS AND ELECTRIC CO.

Application for Amendment of License

JUNE 10, 1976.

Public notice is hereby given that an application for amendment of license was filed on November 10, 1975, under the Federal Power Act (16 U.S.C. 33, 791a-825r) by Pacific Gas and Electric Company (PG&E) (Correspondence to: Mr. W. M. Gallavan, Vice President—Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106) for the constructed Butt Valley Project No. 2105 located on the North Fork Feather River in Plumas County, California, and affecting lands of the United States in Plumas and Lassen National Forests.

In its application, PG&E, proposes to construct a 60 kV wood pole transmission line from the Butt Valley powerhouse to California Pacific Utility Company's Chester Metering Station which is located in the Town of Chester, California. The existing Butt Valley-Caribou 230 kV transmission line would, in the future, be operated at 60 kV so as to be compatible with the proposed new line.

According to the application, the proposed construction of additional transmission lines is both necessary and desirable if adequate and reliable service to the Lake Almanor area is to be maintained.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

The application is on file with the Commission and is available for public information.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. §§ 825g and 825h and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b), 18 C.F.R. § 1.32(b) (1975), as amended by Order No. 518, a hearing before the Commission may be held on this application without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time re-

quired herein. Applicant has requested that the shortened procedure of Section 1.32(b) be used. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17712 Filed 6-16-76;8:45 am]

[Docket No. RP76-99]

TENNESSEE NATURAL GAS LINES, INC.

Supplemental Data

JUNE 10, 1976.

Take notice that on June 4, 1976, Tennessee Natural Gas Lines, Inc. (Tennessee Natural) tendered for filing Seventeenth Revised Sheet No. PGA-1, Twelfth Revised Sheet No. PGA-2, and First Revised Sheet No. 4-A to its FPC Gas Tariff, First Revised Volume No. 1. Tennessee Gas states that these sheets are submitted in compliance with the Commission's order issued on May 28, 1976, in this proceeding, ordering the company to tender tariff sheets reflecting information not given in its original filing in this docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17705 Filed 6-16-76;8:45 am]

[Docket No. CP76-381]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JUNE 10, 1976.

Take notice that on May 25, 1976, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-381 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas for South Jersey Gas Company (South Jersey), an existing distribution customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to transport on an interruptible basis for South Jersey from November 1, 1976, through March 31, 1977, a total of 1,000,000 Mcf (14.73 psia) of natural gas in daily volumes averaging approximately 6,667 Mcf. It is stated that South Jersey, a Rate Schedule CD-3 customer of Applicant, would purchase the above quantity of gas from National Fuel Gas Distribution Corporation (Distribution) and has arranged for Distribution's affiliate, National Fuel Gas Supply Corporation (Supply), to store the gas during the 1976 summer period and deliver it to Applicant for transportation and delivery to South Jersey during the 1976-77 winter period. It is proposed that the gas would be delivered to Applicant by Supply for the account of South Jersey through existing facilities at the Wharton Storage Field in Pennsylvania and would be delivered by Applicant to South Jersey at existing points of delivery to that customer in New Jersey.

The application indicates that of the quantities received by Applicant for transportation, 4 percent would be retained by Applicant for compressor fuel and line loss make-up, and that for all quantities transported and delivered to South Jersey, South Jersey would pay Applicant an initial rate of 9.75 cents per Mcf at 14.7 psia.

It is indicated that Applicant, South Jersey, and Supply have entered into an agreement, dated April 8, 1976, providing for the proposed service to South Jersey and that no additional facilities are required by Applicant to render the proposed service.

It is stated that South Jersey is experiencing substantial curtailment in deliveries of contract demand volumes from Applicant due to the shortage of flowing gas supplies on Applicant's system and that the additional gas to be made available by Distribution and Supply, which would reach South Jersey by means of the transportation proposed by Applicant, would offset curtailment under Applicant's Rate Schedule CD-3.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17716 Filed 6-16-76;8:45 am]

[Docket No. CP76-107]

TRANSWESTERN PIPELINE CO.

Petition To Amend

JUNE 10, 1976.

Take notice that on June 1, 1976, Transwestern Pipeline Company (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP76-107 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioner requests authorization to transport natural gas for Pacific Interstate Transmission Company (Pacific Interstate) from wells in addition to those from which Petitioner was heretofore authorized in the instant docket to transport gas, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

By order issued in the instant proceeding Petitioner is authorized to transport for Pacific Interstate natural gas purchased by Pacific Interstate from Pacific Lighting Gas Development Company (PLGD) for resale to Pacific Lighting Service Company (Service Company). Petitioner states that it has been advised by Pacific Interstate that Pacific Interstate has or will contract with PLGD to purchase gas in Ward County, Texas, and Lea and Eddy Counties, New Mexico, from four additional wells for resale to Service Company. It is further stated that Pacific Interstate has requested Petitioner to transport this gas.

The petition states that Petitioner has contracted to purchase a portion of the gas produced from each of the four wells from one of the other producers involved in their development, Transwestern Gas Supply Company. It is stated that the wells have been or will be connected to Petitioner's system and that Petitioner would transport the gas for Pacific Interstate from said wells through Petitioner's existing main line system and would de-

liver the gas to Service Company at an existing interconnection between the systems of the two companies at the Arizona-California border, near Needles, California. No new facilities would be required to perform the proposed service, the petition states.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17718 Filed 6-16-76;8:45 am]

[Docket No. ER76-720]

VIRGINIA ELECTRIC AND POWER CO.

Contract Supplement

JUNE 10, 1976.

Take notice that on June 1, 1976, Virginia Electric and Power Company (Virginia) tendered for filing a Contract Supplement dated April 30, 1976, to the Agreement designated by Virginia as Virginia's Rate Schedule FPC No. 85-44 between Virginia and Southside Electric Cooperative.

Said supplement requests Commission authorization for the relocation of metering facilities from 12.5 kV to 34.5 kV at Reems Delivery Point, located on the east side of Route 670 approximately 0.8 mile north of Route 605 near Dinwiddie, Dinwiddie County, Virginia.

Virginia requests waiver of notice requirements to permit an effective date as of the date of connection of facilities which is May 6, 1976.

Virginia states that it has mailed copies of the filing to the customer, to the Virginia State Corporation Commission, and to the Southeastern Power Administration.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 29, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-17702 Filed 6-16-76;8:45 am]

FEDERAL RESERVE SYSTEM

BANCAL TRI-STATE CORP.

Request for Determination and Notice Providing Opportunity for Hearing

On April 22, 1976, the Board of Governors of the Federal Reserve System gave notice (41 FR 16881 (1976)) that a request had been made to the Board, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1841(g)(3)) ("the Act"), by BanCal Tri-State Corporation, San Francisco, California ("Tri-State"), which proposed to transfer all of its legal and equitable stockholdings, as well as the stockholdings of The Bank of California, N.A., San Francisco, California ("Bank"), a subsidiary of Tri-State, in BanCal Capital Corporation ("Capital"), a small business investment company, to Overseas Technology, Inc., San Francisco, California ("OTI") a wholly owned subsidiary of Overseas Technology Investments Co., Inc. ("OTICI"), a Japanese corporation, for a determination that Tri-State is not nor will be capable of controlling OTI, notwithstanding a proposed sale agreement whereby a portion of the purchase price was to be paid by OTI in the form of a note, said note being secured by a pledge of the Capital stock being sold.

Tri-State has now advised the Board that OTI will assign its rights under the purchase agreement to Oceanic Group, Inc., San Francisco, California ("Oceanic"), an indirect subsidiary of OTICI and Kibun Co. Ltd., also a Japanese Corporation, and has requested a section 2(g)(3) determination with respect to Oceanic rather than OTI.

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or any company which but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor, unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee.

Notice is hereby given, that, pursuant to section 2(g)(3) of the Act, an opportunity is provided for filing a request for oral hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than July 9, 1976. If a request for oral hearing is filed, each request should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which such person wishes to give testimony. The Board subsequently will designate a time and place for any hearing it orders, and will give notice of such hearing to the transferor, the transferee, and all persons that have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the application.

Board of Governors of the Federal Reserve System, June 11, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-17727 Filed 6-16-76;8:45 am]

CHAMBANCO, INC.

Formation of Bank Holding Company

Chambanco, Inc., Chambers, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent (less directors' qualifying shares) of the voting shares of Chambers State Bank, Chambers, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Chambanco, Inc., Chambers, Nebraska has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire the Adams & Adams Insurance Agency, Chambers, Nebraska. Notice of the application was published on February 12, 1976 in the Holt County Independent, a newspaper circulated in O'Neill, Holt County, Nebraska.

Applicant states that the proposed subsidiary would engage in a general sale of insurance, including health and accident, medical and hospital, credit life, conventional life, hail and crop, fire and casualty (for farm, home owners and commercial), liability (general, automobile, owners, landlords and tenants, and multi-peril) workmen's compensation, and surety bonds insurance. The insurance will be sold in Chambers, Nebraska, a community of less than 5,000 population. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficien-

cy, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 2, 1976.

Board of Governors of the Federal Reserve System, June 14, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-17728 Filed 6-16-76;8:45 am]

LEEDS HOLDING CO.

Order Approving Formation of Bank Holding Company

Leeds Holding Company, Leeds, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 98 percent of the voting shares of Farmers State Bank of Leeds, Leeds, North Dakota ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank, with deposits of approximately $9.1 million,[1] is the 60th largest banking organization in North Dakota and holds .3 of one percent of total deposits in commercial banks in the State. Bank is the third largest of four banks in the relevant banking market, which is approximated by the northern two-thirds of Benson County plus the southern half of Towner County, and holds approximatley 20 percent of market deposits.

Since the subject proposal essentially represents a reorganization of Bank's ownership from individuals to a corporation owned by the same individuals with no immediate change in Bank's operations, consummation of the transaction would not eliminate any existing or potential competition, increase the concentration of banking resources, nor have any adverse effects on other banks in any relevant area. Therefore, competitive considerations are consistent with approval of the application.

The financial condition and managerial resources and future prospects of Bank are regarded as satisfactory. The financial resources and future prospects of Applicant are dependent upon the operations of Bank. Although Applicant will incur debt in connection with the acquisition of Bank, it appears that the projected earnings of Bank should be sufficient to enable Applicant to service its debt without impairing the financial condition of Bank. Accordingly, considerations relating to the banking factors are regarded as being consistent with approval.

Although consummation of the transaction would effect no immediate changes in the services offered by Bank, considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis, pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 9, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-17729 Filed 6-16-76;8:45 am]

MPS INVESTMENT CO.

Proposed Acquisition of Farmers & Merchants Insurance Agency

MPS Investment Company, Appleton, Minnesota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain its general insurance agency activities, which it conducts under the name Farmers & Merchants Insurance Agency, in Appleton, Minnesota. Notice of the application was published on May 20, 1976 in The Appleton Press, a newspaper circulated in Appleton, Minnesota.

Applicant states that it would continue to engage in the activities of a general insurance agency, such activities to be conducted in a community with a population of less than 5,000 persons. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 13, 1976.

Board of Governors of the Federal Reserve System, June 11, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-17730 Filed 6-16-76;8:45 am]

NORTH LAWNDALE ECONOMIC DEVELOPMENT CORP.

Statement by Board of Governors Regarding Applications for Approval of Formation of a Bank Holding Company and Retention of Nonbanking Activities

North Lawndale Economic Development Corporation, Chicago, Illinois, applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act ("Act") (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 90 percent of the voting shares of Community Bank of Lawndale, Chicago, Illinois ("Bank"), a proposed new bank. At the same time, Applicant applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y to continue to engage in various community development ventures in an economically depressed area of Chicago, Illinois. By Order of June 7, 1976, the Board acted to deny those applications for reasons which are set forth in this Statement.

Applicant is a corporation formed in 1968, for the stated purpose of expanding and securing the economic well-being, physical redevelopment and stability of the community in which it operates, an area known as the Midwest Impact Area located on the west side of Chicago, Illinois. Applicant is engaged in the development of an industrial park, a 1,000-bed mixed-use health care facility and property management, and proposes to engage in long-term development, management, and ownership of other commercial, residential, and industrial real

[1] All banking data are as of June 30, 1975.

[2] Voting for this action: Chairman Burns and Governors Gardner, Coldwell, Jackson and Lilly. Absent and not voting: Governors Wallich and Partee.

estate property, including an additional industrial park, a shopping center, residential housing, a cable television franchise, and the formation of Community Bank of Lawndale. All of the proposals would be developed in an area characterized by high unemployment and substantial poverty.

Applicant received Federal grants of funds pursuant to Subchapter VII (Community Economic Development) of a Federal statute referred to as the Community Services Act of 1974 [42 U.S.C. 2981 et seq.]. The Congressional statement of purpose of this subchapter is "to encourage the development of special programs by which the residents of urban and rural low-income areas may * * * with appropriate Federal assistance, improve the quality of their economic and social participation in community life in such a way as to contribute to the elimination of poverty and the establishment of permanent economic and social benefits." The Community Services Administration ("CSA") is the Federal agency providing much of the grants of funds for Applicant's ventures. CSA expects community development corporations such as Applicant to become profitable, self-sustaining enterprises in about eight to ten years.

While this is an application under section 3(a)(1) of the Act to form a bank holding company, since Applicant's express purpose is community development activities and Applicant does not propose to terminate such activities, the Board must determine whether such activities are permissible under § 4(c)(8) of the Act in order to approve the application. In determining whether a proposal is permissible under section 4(c)(8) of the Act the Board must first determine that any nonbank activity involved is closely related to banking. If the Board determines that the nonbank activity is closely related to banking, the Board must then examine the public benefits expected to be derived from the bank holding company engaging in the activity, and weigh them against possible adverse effects.

The Applicant has not made any effort to show that the individual activities themselves are closely related to banking but rather states that its overall activity qualifies as an activity which the Board has adopted as permissible under section 4(c)(8), namely, "making equity and debt investments in corporations or projects designed primarily to promote community welfare, such as the economic rehabilitation and development of low-income areas."

The Board's views as to the scope of this activity are set forth in a published Interpretation (12 CFR 225.127). In adopting this activity, the Board had in mind the history of the 1970 Amendments to the Act. At the time Congress was considering these amendments, the Board proposed economic development investments "subject to careful limitations" as being a type of nonbank investment that might be appropriate for bank holding companies.

The "closely related" determination with respect to this activity is grounded upon the ability of banks to make investments of this type. The Board and the Comptroller of the Currency previously have expressed views encouraging or permitting banks to make investments in community development projects on a limited basis. Such investments by banks are regarded as being primarily contributory in nature. It is not the nature of the community development activity itself which renders it closely related to banking, but rather its contributory aspects. Since banks are permitted to make limited contributions of a charitable nature in community development projects, a bank holding company's participation in such projects may be regarded as being closely related to banking to the extent it is in the nature of a limited charitable contribution.

In accordance with the above basis for the adoption of the activity of making investments in community development projects, the Board has appropriately specified and implied limitations on the conduct of the activity by bank holding companies, in the Board's published Interpretation regarding this activity (12 CFR 225.127). Further, as indicated in the Interpretation, "Bank holding companies possess a unique combination of financial and managerial resources, making them particularly suited for a meaningful and substantial role in remedying our social ills. Section 225.4(a)(7) is intended to provide an opportunity for them to assume such a role."

The application before the Board does not involve the situation envisoned in the regulation where a traditional bank holding company whose activities are predominantly financial is bringing the expertise gained in its banking business to bear on community problems and fulfilling its civic responsibility. Rather than being engaged in community development activities to a limited extent, Applicant has no other activities, and the question arises whether Applicant's activities even though not covered by the present regulation, can be found to be closely related to banking. As indicated above, Applicant is designed to promote community development and, although it is presently almost entirely Federally funded, Applicant has been formed as a "for-profit" corporation with the intention that Federal grants of funds will not continue indefinitely and that it will become a diversified, viable, self-sustaining, profit-making, commercial enterprise. If Applicant's activities cannot be found to be closely related to banking within the scope of the Act, Applicant's ownership of Bank while engaging at the same time in its proposed nonbanking activities would create a situation inconsistent with the Congressionally mandated separation of banking from nonbanking businesses.

While the Board recognizes that Applicant's activities may well produce needed benefits to the community, the Act nevertheless requires that the Board determine the "closely related" issue before giving consideration to the public benefit factors. Each individual activity engaged in or proposed to be engaged in by Applicant is a commercial activity and, on an individual basis, there is nothing inherent in any of the activities which would render them closely related to banking. In the Interpretation, as well as in a previous decision involving this section of the Regulation, the Board has stated that an activity should be closely examined to determine whether it is designed primarily to promote community welfare. This test has some relevance when applied to a limited investment by a "traditional" bank holding company in order to differentiate between investments which would be considered in the nature of a limited contribution for social uses, and thus closely related to banking, and investments which are primarily commercial ventures designed for profit and thus not closely related to banking. While each of Applicant's present and proposed ventures is a commercial venture designed for profit, this test is not useful as applied to Applicant since, as a whole, Applicant has no purpose other than to promote community welfare.

The question before the Board is whether it may find that a community development corporation, or for that matter, any enterprise primarily engaged in contributory activities for social purposes, could be considered to be engaged in activities closely related to banking. Congress might well be considered to have focused on this type of question since it has specifically exempted from the prohibitions of § 4 certain family-owned corporations and labor, agricultural, and horticultural organizations which are exempted from taxation under the Internal Revenue Code and which also own banks. Congress, however, did not exempt charitable organizations or community development corporations. Since there is nothing inherent in the activity which renders it, in itself, closely related to banking, other than its contributory aspect when engaged in to a limited extent, the Board concludes that it does not have the legal authority to approve Applicant's proposal. Rather, it is a matter for Congress to decide whether to exempt community development corporations or other organizations which contribute to social needs from the prohibitions of section 4 of the Act. Accordingly, the Board is constrained to deny Applicant's proposal on the basis that Applicant's existing and proposed activities are not closely related to banking within the meaning of section 4(c)(8) of the Act.

In view of its determination that it is not within its power to approve this application, the Board has not had occasion to consider the other statutory factors. That is, whether approval of the application would provide benefits to the public such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects. The Board has, however, noted

that the North Lawndale community is in need of banking facilities and the Board, to help ensure maximum responsiveness to community needs, has always encouraged the ownership of local banks by individuals from the local community. Furthermore, in its regulation regarding projects to promote community welfare, the Board has encouraged bank holding companies to fulfill their civic responsibilities. However, in this instance, the Board is unfortunately unable to find that the Bank Holding Company Act provides the authority necessary to approve these applications in the form proposed by Applicant.

Board of Governors of the Federal Reserve System.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-17731 Filed 6-16-76;8:45 am]

NORTH LAWNDALE ECONOMIC DEVELOPMENT CORP.

Order Denying Formation of Bank Holding Company

North Lawndale Economic Development Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act ("Act") (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 90 percent of the voting shares of Community Bank of Lawndale, Chicago, Illinois ("Bank"), a proposed new bank. At the same time, Applicant has applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. § 1843(c)(8)) and § 225.-4(b)(2) of the Board's Regulation Y to continue to engage in various community development ventures in an economically depressed area of Chicago, Illinois.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (41 FR 3873). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act and the considerations specified in section 4(c)(8) of the Act.

On the basis of the record, the applications are dened for the reasons set forth in the Board's Statement, which will be released at a later date.

By order of the Board of Governors,[1] effective June 7, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-17732 Filed 6-16-76;8:45 am]

THE ROYAL TRUST CO.

Order Approving Acquisition of Bank

The Royal Trust Company, Montreal, Quebec, Canada, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act [12 U.S.C. 1842(a)(3)] to acquire 80 percent or more of the voting shares of The First Bank of Gulfport, Gulfport, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act [12 U.S.C 1842(c)].

Applicant, with total assets of $3.4 billion (as of December 31, 1975) is the largest trust company and the eighth largest financial institution in Canada, and operates, through its subsidiaries and other interests, in both Europe and the Caribbean Islands. In the United States, Applicant controls two banks[1] and operates one nonbank subsidiary,[2] which provides data processing and other related services to financial institutions located in Florida and operates as a computer service bureau for the storing and processing of banking, financial, and other related economic data. Through its two subsidiary banks, Applicant controls aggregate deposits of $73.6 million, representing approximately three-tenths of one per cent of the total deposits held by commercial banks in Florida.[3] Consummation of the subject proposal would increase Applicant's share of State deposits by approximately one-tenth of one per cent and would not have a significant effect upon the concentration of banking resources in the State.

Bank (with deposits of $21.3 million) is the 14th largest of the 32 commercial banks in the South Pinellas County banking market[4] and holds approximately two per cent of the market's commercial bank deopsits. Applicant is not presently represented in the relevant market and its closest banking subsidiary to Bank is located in the adjacent, but separate, Tampa banking market. There does not appear to be any existing competition between Bank and any of Applicant's present banking and nonbanking subsidiaries, and it does not appear likely that any significant competition would develop in the future. Upon acquisition of Bank, Applicant would become the 13th largest of the 17 banking organizations that currently are competing in the South Pinellas County banking market.

While Applicant could enter the relevant market de novo, the Board views the proposed acquisition of Bank as a foothold entry by Applicant into the market. Moreover, acquisition of Bank by Applicant will remove Bank from its affiliation with another bank that is located in the relevant market and will introduce a new banking alternative into the market. Accordingly, on the basis of the facts of record, the Board concludes that consummation of the proposal would not have any significant adverse effects upon either existing or potential competition in any relevant area, and that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks and Bank are regarded as being generally satisfactory. Applicant will provide Bank with its expertise in the areas of international banking, trust services, and specialized loans and will be a source of capital and management as needed. Therefore, considerations relating to banking factors and to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[5] effective June 11, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-17733 Filed 6-16-76;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Gardner, Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Governor Wallich.

[1] The Royal Trust Bank of Miami, N.A., Miami, Florida, and Dale Mabry State Bank, Tampa, Florida. On March 1, 1976, Applicant transferred its controlling interest in Royal Trust Bank of Miami to a newly-formed, wholly-owned Florida subsidiary, Royal Trust Bank Corp., itself a bank holding company. Applicant also contemplates similar transfers in the future with respect to both Dale Mabry State Bank and Bank.

[2] Information Systems Design of Florida, Inc., Miami, Florida ("ISD-Florida"), is a subsidiary of Information Systems Design, Inc., Oakland, California ("ISD-California"), which is owned by Computel Systems, Ltd. ("Computel"), a Canadian computer company. By Order of December 6, 1973, the Board denied Applicant's retention of ISD-California after Applicant's acquisition of Computel [38 F.R. 34514 (1973); 60 *Federal Reserve Bulletin* 58 (1974)]. ISD-California is engaged in non-permissible data processing activities while ISD-Florida is engaged in permissible data processing activities. The Board granted Applicant a two-year period, after its acquisition of Computel, within which to divest itself of ISD-California. At the request of Applicant, the Board recently has extended the divestiture period until September 14, 1976.

[3] All banking data are as of June 30, 1975, unless otherwise indicated.

[4] The South Pinellas County banking market is comprised of Pinellas County south of the town of Largo.

[5] Voting for this action: Vice Chairman Gardner and Governors Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Wallich.

WASHINGTON BANCSHARES, INC.

Proposed Acquisition of Old National Life Insurance Co.

Washington Bancshares, Inc., Spokane, Washington, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843 (c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Old National Life Insurance Company, Phoenix, Arizona. Notice of the application was published on May 6, 1976 in The Arizona Republic, a newspaper circulated in Phoenix, Arizona and in the Spokeman-Review, a newspaper circulated in Spokane, Washington, on June 9, 1976.

Applicant states that the proposed subsidiary would engage in the activity of underwriting, as reinsurer, credit life insurance and credit accident and health insurance which is directly related to extensions of credit by the bank holding company system. Such activities have been specified by the Board in § 225.4 (a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 13, 1976.

Board of Governors of the Federal Reserve System, June 11, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-17734 Filed 6-16-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Temporary Reg. F-394]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Revocation of Delegations of Authority

1. Purpose. This regulation revokes certain delegations of authority granted to other agencies to represent the consumer interests of the executive agencies of the Federal Government in utility proceedings which have been terminated.

2. Effective date. This regulation is effective immediately.

3. Expiration date. This regulation expires June 30, 1976.

4. Revocation. This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
F-57	Sept. 23, 1969	Delegation of authority to the Chairman, Atomic Energy Commission; regulatory proceeding.
F-100	Apr. 23, 1971	Delegation of authority to the Secretary of Defense; regulatory proceeding.
F-101	Apr. 29, 1971	Delegation of authority to the Chairman, Atomic Energy Commission; regulatory proceeding.
F-107	June 16, 1971	Do.
F-112	July 19, 1971	Do.
F-114	July 22, 1971	Do.
F-121	Sept. 20, 1971	Delegation of authority to the Secretary of Defense; regulatory proceeding.
F-124	Oct. 8, 1971	Delegation of authority to the Chairman, Atomic Energy Commission; regulatory proceeding.
F-165	Jan. 19, 1973	Delegation of authority to the Secretary of Defense; regulatory proceeding.
F-174	Apr. 3, 1973	Delegation of authority to the Chairman, Atomic Energy Commission; regulatory proceeding.
F-343	June 2, 1975	Delegation of authority to the Secretary of Defense; regulatory proceeding.
F-351	Aug. 4, 1975	Do.
F-358	Oct. 7, 1975	Do.
F-376	Mar. 5, 1976	Do.

Dated: June 7, 1976.

TERRY CHAMBERS,
Acting Administrator, General Services.

[FR Doc.76-17647 Filed 6-16-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DPR-61 issued to Connecticut Yankee Atomic Power Company for operation of the Haddam Neck Plant, located in Middlesex County, Connecticut. The amendment is effective as of the date of issuance.

This amendment allows changes in the design of the Haddam Neck spent fuel pool storage racks from that reviewed and approved in the operating license review and as described in the Facility Description and Safety Analysis. The new storage racks increase the fuel storage capacity from 336 to 1172 fuel assemblies. The amendment also changes the amount of U-235 the licensee may possess from 6550 Kg to that amount limited to storage capacity and amounts required for reactor operation. In addition, a technical specification has been added which will prohibit fuel cask movement over the spent fuel pool or its edge.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on January 7, 1976 (41 FR 1338). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

In connection with issuance of this amendment, the Commission has issued a Negative Declaration and Environmental Impact Appraisal.

For further details with respect to this action, see (1) the application for amendment dated December 19, 1975, as supplemented March 24, 1976, April 15, 1976 and April 27, 1976, (2) Amendment No. 7 to License No. DPR-61, (3) the Commission's related Safety Evaluation, (4) the Commission's Negative Declaration published concurrently with this Notice, and (5) the Commission's Environmental Impact Appraisal. All of the above items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457.

A copy of items (2), (3) and (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 8th day of June, 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-17288 Filed 6-16-76;8:45 am]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an Amendment to Facility Operating License No. DPR-61 issued to Connecticut Yankee Atomic Power Company (the licensee) for operation of the Haddam Neck Plant located in Middlesex County, Connecticut.

This amendment allows changes in the design of the Haddam Neck spent fuel

pool (SFP) storage racks from that reviewed and approved in the operating license review and as described in the Facility Description and Safety Analysis. The new storage racks increase the fuel storage capacity from 336 to 1172 fuel assemblies. The amendment also changes the amount of U–235 the licensee may possess from 6550 Kg to that amount limited to storage capacity and amounts required for reactor operation. In addition, a technical specification has been added which will prohibit fuel cask movement over the spent fuel pool or its edge.

The Commission's Division of Operating Reactors has prepared an environmental impact appraisal for this proposed modification to the SFP. Within the context of this appraisal, the Staff applied, weighed, and balanced the five factors specified by the Commission in its issuance of FEDERAL REGISTER notice (40 FR 42801) dated September 16, 1975, regarding handling and storage of spent fuel from light water power reactors. On the basis of this environmental impact appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because, pursuant to the Commission's regulations in 10 CFR Part 51 and the Council of Environmental Quality's Guidelines, 40 CFR 1500.6, the Commission has determined that this proposed amendment will not significantly affect the quality of the human environment.

The environmental impact appraisal setting forth the basis for the Commission's determination is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457.

Dated at Bethesda, Maryland, this 8th day of June, 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Divison of Operating Reactors.

[FR Doc.76–17289 Filed 6–16–76;8:45 am]

INSTITUTE FOR RESOURCE MANAGEMENT, INC.

[Docket No. 50–565]

Application for Facility Export License

Please take notice that the Institute for Resource Management, Inc. submitted to the Nuclear Regulatory Commission an application for a license to authorize the export of a research reactor with a thermal power level of 10 kilowatts to the Comision Boliviana Energia Nuclear, La Paz, Bolivia and that the issuance of such license is under consideration by the Nuclear Regulatory Commission.

No license authorizing the proposed reactor export will be issued until the Nuclear Regulatory Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to Section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Nuclear Regulatory Commission has found that:

(a) The application complies with the requirements of the Act, and the Commission's regulations set forth in 10 CFR, Chapter 1, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Nuclear Regulatory Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless on or before July 2, 1976, a request for a hearing is filed with the Nuclear Regulatory Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of the Office of Nuclear Material Stafety and Safeguards may, upon the determinations and findings noted above, cause to be issued to the Institute for Resource Management, Inc., a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Nuclear Regulatory Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

Dated at Bethesda, Maryland, this 7th day of June 1976.

For the Nuclear Regulatory Commission.

G. WAYNE KERR,
Division of Fuel Cycle and Material Safety.

[FR Doc.76–17290 Filed 6–16–76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON THE CLINCH RIVER BREEDER REACTOR PLANT

Extension of Meeting Date

The ACRS Subcommittee meeting on the Clinch River Breeder Reactor Plant scheduled to be held on June 23, 1976 has been extended to be held on June 23 and 24, 1976. While the meeting notice published in the FEDERAL REGISTER Vol. 41, June 7, 1976, page 22893 explained that the Subcommittee Chairman is empowered to carry over an incompleted session from one day to the next, it is now apparent that the meeting cannot be completed on June 23 and notice is given so that attendees may make appropriate arrangements. It is planned that sessions closed for deliberation and discussion of proprietary information, including consideration of plant security, may be held on either or both days.

The open portions of the meeting will commence at 9:00 a.m. on both June 23 and 24.

All other matters pertaining to the meeting remain unchanged.

Dated: June 14, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76–17652 Filed 6–16–76;8:45 am]

[Docket Nos. 50–237 and 50–249]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 22 and 19 to Facility Operating License Nos. DPR–19 and DPR–25, respectively, issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of the Dresden Nuclear Power Station Unit Nos. 2 and 3 (the facilities) located in Grundy County, Illinois. The amendments are effective as of their date of issuance.

The amendments incorporate into the Technical Specifications provisions for spent fuel cask handling and approve the overhead crane handling system for Dresden Unit Nos. 2 and 3.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated March 2, 1976, and related filings dated November 8, 1974, June 10, 1975, December 8, 1975, February 9, 1976, March 29, 1976, and May 20, 1976, (2) Amendment No. 22 to License No. DPR–19, (3) Amendment No. 19 to License No. DPR–25, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451. A single copy of items (2), (3), and (4) above may be obtained upon request addressed to the U.S. Nuclear

Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 3rd day of June 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN, *Chief Operating Reactors Branch No. 2, Division of Operating Reactors.*

[FR Doc.76-17654 Filed 6-16-76;8:45 am]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Corrected Notice of Proposed Issuance of Amendment to Facility Operating License

In FR Doc. 76-16550 appearing on page 22998 in the issue of June 8, 1976, the closing date for intervention should read July 8, 1976.

Dated at Bethesda, Maryland, this 11th day of June 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER, *Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.*

[FR Doc.76-17653 Filed 6-16-76;8:45 am]

[Docket No. P-636-A]

FLORIDA POWER AND LIGHT CO.

Special Prehearing Conference

Notice is hereby given that, pursuant to the U.S. Nuclear Regulatory Commission's (the Commission) "Notice of Antitrust Hearing" issued June 8, 1976 and in accordance with § 2.751a of the Commission's rules of practice, 10 CFR Part 2, a Special Prehearing Conference will be held in the above identified antitrust proceeding on July 7, 1976, at 10 a.m. in the Willste Building, 7915 Eastern Avenue, Silver Spring. If necessary, this Special Prehearing Conference will continue on July 8, 1976 at the stated location.

This Special Prehearing Conference will be held before the Atomic Safety and Licensing Board (the Board) which was established to conduct the antitrust proceedings and which is composed of John M. Frysiak, Esq., Daniel M. Head, Esq. and Ivan W. Smith, Esq. who has been designated as Chairman.

This Special Prehearing Conference will deal with the following matters:

1. All contentions in the petitions to intervene which have been filed in this antitrust proceeding;

2. All pending motions, whether filed separately or contained in the aforementioned petitions to intervene;

3. The relationship to this antitrust proceeding, and the authority of this Board with regard to the Applicant's proposed St. Lucie nuclear facility;

4. Identification of the issues and a discussion of any steps necessary for further crystallization of those issues;

5. The need for discovery and the time required therefor;

6. Establishment of a schedule for further action; and

7. Such other matters as may aid in the orderly disposition of the proceeding.

At this Special Prehearing Conference, the Board will entertain oral argument from the parties on the contentions contained in the petitions to intervene. The Board requires the Intervenors to submit their contentions in writing in summary form so that they will be received by the Board and the parties to the proceeding at least two (2) days in advance of this Special Prehearing Conference. This written summary of contentions should not be lengthy, but should set out the contentions separately by number to facilitate oral argument on the individual contentions at the Special Prehearing Conference.

Members of the public are invited to attend this prehearing conference as well as the evidentiary hearing to begin at a later date to be fixed by the Board. Members of the public wishing to make limited appearances pursuant to § 2.715 (a) of the Commission's Rules of Practice may identify themselves at this prehearing conference, but oral or written statements to be presented by limited appearances will not be received at this conference. The Board will receive limited apearances at the beginning of the evidentiary hearing.

The parties, including the Commission's Regulatory Staff and the Department of Justice, if it should elect to participate, should, if possible, confer in advance of this Special Prehearing Conference, in such manner as they deem appropriate, and report to the Board at said conference on any stipulations regarding contentions or on any other mutually agreeable procedures to expedite this proceeding.

By order of the Atomic Safety and Licensing Board.

Issued at Bethesda, Maryland this 10th day of June 1976.

IVAN W. SMITH, *Chairman.*

[FR Doc.76-17653 Filed 6-16-76;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment will revise the provisions in the Environmental Technical Specifications relating to (1) chlorination of the circulating water system and the plant service water system, (2) the maximum allowable chemical concentrations for discharge to the river of chemicals that affect water quality, and (3) estimated annual usage of Sodium Nitrite ($NaNO_2$).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 2, 1975, (2) Amendment No. 34 to License No. DPR-57, and (3) the related evaluation presented in Commission's letter to the licensee dated June 8, 1976. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Appling County Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 8 day of June 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR, *Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.*

[FR Doc.76-17656 Filed 6-16-76;8:45 am]

[Docket Nos. 50-498A, 50-499A]

HOUSTON LIGHTING AND POWER CO., ET AL.

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

HOUSTON LIGHTING AND POWER COMPANY, ET AL. (SOUTH TEXAS PROJECT, UNIT NOS. 1 AND 2)

The members of the Board are:

Marshall E. Miller, Esq., Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Michael L. Glaser, Esq., 1150 Seventeenth Street, NW., Washington, D.C. 20036.

Sheldon J. Wolfe, Esq., Atomic Safety and Licensing Board Panel, US. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 10th day of June, 1976.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
JAMES R. YORE,
Acting Chairman.

[FR Doc.76-17657 Filed 6-16-76;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR-46, issued to Nebraska Public Power District, which revised Technical Specifications for operation at the Cooper Nuclear Station (the facility) located in Nemaha County, Nebraska. The amendment becomes effective 30 days after the date of issuance.

This amendment revises the Technical Specifications for the facility to change the leak test medium for various primary containment isolation valves from water to air and to include calibration and testing requirements for the undervoltage relays associated with the power transfer system for Motor Control Center RB. The amendment also deletes provision no. 2 from the Order for Modification of License dated October 31, 1975. This provision required the performance of a monitoring program to detect instrument tube-channel box interaction in the facility core.

The applications for amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration. The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the applications for amendment dated January 19, January 26, and March 22, 1976, (2) Amendment No. 25 to License No. DPR-46, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Auburn Public Library, 118-15th Street, Auburn, Nebraska 68305. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 3rd day of June, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-17658 Filed 6-16-76;8:45 am]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR-65 issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit 2, located in the Town of Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment extends by 45 days the required completion date for the initial reactor building tendon surveillance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 25, 1976, (2) Amendment No. 12 to License No. DPR-65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 3 day of June 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch 3, Division of Operating Reactors.

[FR Doc.76-17659 Filed 6-16-76;8:45 am]

[Docket No. 50-278]

PHILADELPHIA ELECTRIC CO., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR-56 issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Unit 3. The amendment is effective as of its date of issuance.

The amendment consists of changes in the Technical Specifications to correct an error in the operating limit Minimum Critical Power Ratio (MCPR).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 23, 1976, (2) Amendment No. 18 to License No. DPR-56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C.

and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 8 day of June 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Operating Reactors.

[FR Doc.76-17660 Filed 6-16-76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 6.7, Revision 1, "Preparation of an Environmental Report to Support a Rule Making Petition Seeking an Exemption for a Radionuclide-Containing Product," provides assistance in developing environmental reports to persons petitioning the NRC to establish an exemption from licensing for the use of radioactive material in a product. This guide was revised as a result of public comment and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 7th day of June 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-17663 Filed 6-16-76;8:45 am]

REGULATORY GUIDE 1.113, "ESTIMATING AQUATIC DISPERSION OF EFFLUENTS FROM ACCIDENTAL AND ROUTINE REACTOR RELEASES FOR THE PURPOSE OF IMPLEMENTING APPENDIX I"

Public Meeting

The Offices of Standards Development and Nuclear Reactor Regulation will conduct a public meeting to discuss Regulatory Guide 1.113, "Estimating Aquatic Dispersion of Effluents from Accidental and Routine Reactor Releases for the Purpose of Implementing Appendix I," which was published for comment on May 26, 1976.

Regulatory Guide 1.113 describes acceptable methodology for estimating dilution and dispersion of liquid effluents from nuclear power reactors into various surface water bodies. Methodology for accidental as well as routine release is included. The guide is one of a series of guides developed for the implementation of the Commission's regulation 10 CFR Part 50, Appendix I, which specifies numerical guides for nuclear power reactors to meet the criterion "as low as is reasonably achievable" for radioactive material in effluents. The guide is available for inspection at the Comimssion's Public Document Room, 1717 H Street, NW., Washington, D.C. Single copies (which may be reproduced) may be obtained upon written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The meeting will be held on July 14, 1976, in Rooms P-114/118 of the Commission's offices at 7920 Norfolk Avenue, Bethesda, Maryland, from 9 a.m. to 5 p.m. Representatives of the Offices of Standards Development and Nuclear Reactor Regulation will be present.

The meeting is intended to provide opportunities for the NRC staff and other interested persons to discuss questions, comments, and suggestions on the guide and the associated licensing review methodology. Written comments may be submitted to the Commission staff at the meeting or at any time to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Interested persons are invited to attend and ask questions or present oral or written statements on the guide. Any person who intends to make an oral statement should notify Mr. Donald L. Milliken, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-443-5287, by July 9, 1976. It is expected that oral statements will be limited to 10 minutes. Persons desiring additional information regarding the meeting should also contact Mr. Milliken.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 8th day of June 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-17662 Filed 6-16-76;8:45 am]

[Docket Nos. 50-338 and 50-339]

VIRGINIA ELECTRIC AND POWER CO.

Availability of Safety Evaluation Report for North Anna Power Station, Unit Nos. 1 and 2

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed operation of the North Anna Power Station, Unit Nos. 1 and 2, to be located in Louisa County, Virginia. Notice of receipt of Virginia Electric and Power Company's application to construct and operate the North Anna Power Station, Unit Nos. 1 and 2 was published in the FEDERAL REGISTER on May 25, 1973 (38 FR 13772).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., at the Office of the County Administrator, Board of Supervisors, Louisa County Courthouse, Louisa, Virginia, and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia for inspection and copying. The report (Document No. NUREG-0053) can also be purchased at $8.00 per copy ($2.25 microfiche), from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 7th day of June 1976.

For the Nuclear Regulatory Commission.

B. B. VASSALLO,
Chief, Light Water Reactors Branch No. 5, Division of Project Management.

[FR Doc.76-17761 Filed 6-16-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

AD HOC SUBPANEL FOR PHYSICAL OCEANOGRAPHY

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Ad Hoc Subpanel for Physical Oceanography of the International Decade of Ocean Exploration Proposal Review Panel.

Date and time: July 7, 1976—9:00 a.m. to 5:00 p.m.

Place: Rm. 628, National Science Foundation, 1800 G Street, N.W., Washington, D.C.
Type of meeting: Closed.
Contact person: Mr. Feenan D. Jennings, Head, Office for the International Decade of Ocean Exploration, Room 605, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-7356.
Purpose of panel: To provide advice and recommendations concerning support of research by programs of the Office for the International Decade of Ocean Exploration.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 522(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.76-17620 Filed 6-16-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-25]

SAFETY RECOMMENDATIONS AND RESPONSES

Notice of Availability and Receipt

Aviation Safety Recommendations. Flightcrew coordination during emergency evacuation was addressed by the National Transportation Safety Board in a recommendation letter to the Federal Aviation Administration, issued June 9. The recommendations were made following investigation of the August 27, 1975, crash of a Continental Air Lines Boeing 727 after takeoff from Stapleton International Airport at Denver, Colorado. The Safety Board concluded that the flightcrew's performance during the emergency evacuation did not conform to the desired or expected standards of a well trained flightcrew and therefore recommended that the FAA (1) require modification of Continental Air Lines' flightcrew emergency evacuation training program to insure adequate emphasis on crew coordination, team effort, and awareness of individual crewmember's responsibilities as leaders of an evacuation (recommendation No. A-76-73); (2) issue an Air Carrier Operations Bulletin to require that Principal Operations Inspectors review the emergency evacuation training programs of their assigned air carriers, emphasizing crew coordination, team effort, and awareness of individuals' responsibilities as leaders of an evacuation (A-76-74); and (3) require that the flightcrew manuals and the flight attendant manuals of all air carriers include the evacuation duty assignments of the entire crew (A-76-75).

Investigation of the Denver crash further disclosed that shortly after takeoff Continental Flight 426 encountered severe wind shear which caused a degradation of aircraft performance. For the altitude and airspeed at which the shear was encountered, the performance degradation was serious enough to preclude recovery to level flight. The wind shear was generated by a thunderstorm which was located over the aircraft's departure path. In a separate letter, also dated June 9, the Safety Board recommended that FAA evaluate all air carrier takeoff and climb procedures to determine whether different procedures can be developed and used that will better enable flightcrews to cope with known or suspected low-altitude wind shears. If different procedures are developed, they should be incorporated into the air carriers' flight manuals (A-76-76).

Investigation of the crash last November 12 of an Eastern Air Lines Boeing 727 short of the runway at Raleigh, North Carolina, has disclosed that the restraint system of the forward flight attendant's jumpseat, as installed, can contribute to unnecessary injuries to flight attendants during in-flight turbulence or during crash landings. Accordingly, the Safety Board has recommended, by letter issued June 10, that FAA (1) issue an Airworthiness Directive to require that the seatbelt tiedown rings on all Boeing 727 forward jumpseats be relocated so that the seatbelt will be positioned across the occupant's pelvic girdle at the recommended angle with the seatpan of 45° to 55° (A-76-80); and (2) inspect the flight attendant jumpseats on all other air carrier aircraft to insure that the seatbelt tiedowns are positioned properly; where improper installations are found, take immediate action to require that the tiedowns be related (A-76-81).

All of the above recommendations to the Federal Aviation Administration are designated Class II, for priority followup.

Letters in Response to Safety Board Recommendations. During the past week letters were received from the following addressees of earlier recommendations:

Materials Transportation Bureau (U.S. Department of Transportation). MTB letter of June 1 relates to recommendations I-76-1 through I-76-4, issued following investigation of the explosion of a Burlington Northern railroad tank car shipment of monomethylamine nitrate at Wenatchee, Washington, August 6, 1974. (See 41 FR 10481, March 11, 1976.) Recommendation I-76-1 asked that applicants submitting proposals for transportation of detonable materials be required to examine the transportation conditions for detonation risks, and describe what they found. MTB states that this recommendation is adopted in part by using the existing procedures for petitions for rulemaking, applications for exemptions, and registration procedures. Further, MTB states that a more detailed program of accountability of detonable materials will be established using existing procedures for materials which are classified or will be classified as detonable, and an investigative reporting format will be explored with interested parties to gather information suitable for an annual report on the conditions of transportation and risks involved in handling detonable materials.

Regarding recommendation I-76-2, MTB believes "* * * it would be premature to specify detailed guidelines for conducting safety analysis of the conditions of transportation of potentially detonable materials and the associated risks, because the state-of-the-art has not advanced sufficiently." However, concerning the concept of a "methodological safety analysis" which is available for inspection prior to, during and after transportation of a hazardous material, MTB indicates that proposed rulemaking will be considered during the next fiscal year "to address the elements of a safety analysis which would be used initially for applications for exemption and later for petitions for rulemaking." Recommendation I-76-3 asked amendment of 49 CFR 173 to establish appropriate explosives classification definitions and test procedures that address every known way in which detonable materials could explode accidently in transportation. MTB states, "In order to meet this recommendation in part, the Department intends to continue review of classification definitions in a coordinated manner with increasingly refined safety analysis methodology, which will be published and used by this Department in regulating hazardous material transportation." MTB also indicates that extensive research and development on the classification of reactive materials, including explosive and other unstable materials, is continuing; conversion of the results from these studies into revised rulemaking is expected. Recommendation I-76-4, asking regulations for quality specifications and quality control procedures in the manufacture, packaging, and loading of detonable hazardous materials, is refused by MTB on the basis that existing regulations, if complied with, should prevent detonation of materials such as occurred in the Wenatchee accident. MTB states that this refusal "should be put in the context of the recommendations adopted dealing with reexamination of classification definitions and other recommendations."

U.S. Coast Guard. Letter of June 2 concerns recommendations M-76-1 through M-76-10 resulting from investigation of the *SS C. V. Sea Witch/Esso Brussels* collision in New York Harbor June 2, 1973. (See 41 FR 10481, March 11, 1976.) Re M-76-1, Coast Guard proposes to revise 46 CFR 58.25-55 to require duplication with regard to the steering gear power units, power supply, control, and followup systems. On May 6, 1976, Coast Guard published at 41 FR 18766 a regulation which would (in answer to recom-

mendation M–76–2) require all vessels of 1,600 or more gross tons when operating on the navigable waters of the United States, except the Panama Canal and the St. Lawrence Seaway, to have the steering room manned to enable the shifting of steering control from the pilothouse to the steering engine room and require communications between these two stations, and which would (in answer to recommendation M–76–6) require all such vessels to have (1) propulsion machinery in the maneuvering mode, (2) the engine room manned to operate the vessel in the maneuvering mode, (3) persons available for rapid anchoring of the vessel in an emergency, (4) the steering engine room manned, and (5) would prohibit the use of automatic piloting devices.

Re recommendation M–76–3, USCG states that the 46 CFR 4.05 requirements for reporting marine casualties are being revised; the revised regulations will be more specific as to which casualties are reportable, and the reporting of steering failures will be required. Re M–76–4, USCG indicates that sources of power for steering gear have been reconsidered on an international level. As a result, the Intergovernmental Maritime Consultative Organization's SOLAS Regulations for Preventing Collisions at Sea are being amended and Federal regulations revised to require that one steering gear power unit and its control systems be supplied through the emergency switchboard. According to the Coast Guard, a regulatory project has been initiated which will implement recommendation M–76–5, requiring all U.S. oceangoing vessels to establish written emergency procedures and alarms for loss of steering control.

Concerning recommendation M–76–7, Coast Guard will continue to monitor problem areas with regard to ships' structure and will continually follow through with appropriate research and development study. However, according to Coast Guard, "a shift in approach from the overall problem areas to concentrate on bow design is considered unwarranted at this time." Recommendation M–76–8, requiring installation of an automatic recording device to preserve vital navigational information aboard oceangoing tankships and containerships, has been reevaluated and the number of incidents where information provided by the recommended equipment would lead to improved vessel safety is not considered sufficient to justify the cost of providing and maintaining such equipment, according to USCG.

Recommendation M–76–9 asked that the Coast Guard expedite implementation of the Safety Board's 1972 recommendation to prepare emergency contingency plans to respond to catastrophic accidents involving hazardous materials for those waterways which carry large quantities of these materials, priority to be given the New York Harbor contingency plan. Coast Guard responded that it had on April 3, 1973 promulgated the National Disaster Preparedness Plan, requiring district commanders, COTP's and OCMI's to coordinate and promote development of contingency plans on a local basis. Plans are being developed nationwide. The Coast Guard indicates that the Port of New York has contingency plans for LNG (liquefied natural gas) and LPG (liquefied petroleum gas) vessels, and that New York Harbor will have contingency plans for catastrophic accidents involving all hazardous materials in the near future. Concerning M–76–10, Coast Guard states that regulations are being drafted to require lights on all life preservers aboard inspected vessels.

Department of Defense. Letter of June 4 is in reply to the Safety Board's followup letter of May 19 regarding DoD action on recommendation R–75–10. The recommendation was issued after Board investigation of the munitions explosion on a Southern Pacific freight train at Benson, Arizona, May 24, 1973. (See 40 FR 20140, May 8, 1975.) The letter notes that before issuance of the Board's report in April 1975 DoD initiated a review to upgrade the safety features of rail cars used for transporting DoD munitions. A proposed study plan which would deal with the broader problem of preventing, or limiting the effects of, explosive incidents in rail cars and the mass detonation of containerized munitions in port areas and aboard ships is now being considered by DoD. One aspect of the project would be to conduct a technical and operational study of the consequences of restricting future rail shipments of munitions to cars of all-steel construction.

The three recommendation letters are available to the general public; single copies may be obtained without charge, as may single copes of accident reports reference in recommendation responses. Copies of the letters in response to recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication of the FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2172 (49 U.S.C. 1907)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

JUNE 14, 1976.

[FR Doc.76–17696 Filed 6–16–76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Volume No. 35]

PERMANENT AUTHORITY PETITIONS AND APPLICATIONS; FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES); RAILROAD ABANDONMENTS; ALTERNATE ROUTE DEVIATION LETTER-NOTICES; AND INTRASTATE APPLICATIONS CONCURRENTLY SEEKING AUTHORITY ON INTERSTATE OR FOREIGN COMMERCE

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

JUNE 11, 1976.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 730 (Sub-Nos. 234 and 343) (Notice of Filing of Petition for Modification of Certificates), filed May 21, 1976. Petitioner: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay St., P.O. Box 958, Oakland, Calif. 94604. Petitioner's representative: Alfred G. Krebs (Same address as petitioner). Petitioner holds motor *common carrier* Certificates in No. MC 730 (Sub-Nos. 234 and 343), issued August 4, 1964 and November 26, 1973, respectively, authorizing transportation (1) in MC 730 (Sub-No. 234) over regular routes, of *general commodities* (except those of unusual value, livestock, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between Missoula, Mont., and Valentine, Nebr., as an alternate route for operating convenience only, serving no intermediate points: From Missoula over U.S. Highway 10 to Billings, Mont., thence over U.S. Highway 212 to Belle Fourche, S.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Dak., thence over South Dakota Highway 34 to junction U.S. Highway 14, thence over U.S. Highway 14 to junction Interstate Highway 90 (near Rapid City, S. Dak.), thence over Interstate Highway 90 to junction U.S. Highway 14 to Wall, S. Dak., thence over U.S. Highway 16 to Murdo, S. Dak., and thence over U.S. Highway 83 to Valentine, and return over the same route, restricted to traffic moving between points in Oregon and Washington on and west of U.S. Highway 97, on the one hand, and, on the other, Omaha, Nebr., and points east thereof (except those in Minnesota); and (2) in MC 730 (Sub-No. 343) over alternate routes for operating convenience only, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment).

(1) Between junction Interstate Highways 90 and 77 at Cleveland, Ohio, and junction Interstate Highways 90 and 94 at Chicago, Ill., in connection with carrier's authorized regular route operations, serving no intermediate points and serving junction Interstate Highways 90 and 94 for purposes of joinder only: From junction Interstate Highways 90 and 77 over Interstate Highway 90 to junction Interstate Highway 94, and return over the same route; (2) between junction Interstate Highways 90 and 94 at Chicago, Ill., and junction Interstate Highway 94 and U.S. Highway 52 at St. Paul, Minn., in connection with carrier's authorized regular-route operations, serving no intermediate points and serving the termini for purposes of joinder only: From junction Interstate Highways 90 and 94 at Chicago over Interstate Highway 90 to junction Interstate Highway 94 at Tomah, Wis., thence over Interstate Highway 94 to St. Paul, and return over the same route; (3) between junction Interstate Highway 94 and U.S. Highway 52 at St. Paul, Minn., and junction U.S. Highway 93 and Interstate Highway 90 at Missoula, Mont., in connection with carrier's authorized regular-route operations, serving no intermediate points and serving the termini for purposes of joinder only: From junction Interstate Highway 94 and U.S. Highway 52 at St. Paul over Interstate Highway 94 to junction Interstate Highway 90 at Billings, Mont., thence over Interstate Highway 90 to junction U.S. Highway 93, and return over the same route; (4) between junction Interstate Highway 90 and U.S. Highway 93 at Missoula, Mont., and junction Interstate Highways 90 and 5 at Seattle, Wash., in connection with carrier's authorized regular-route operations, serving no intermediate points and serving junction U.S. Highway 93 and Interstate Highway 90 for purposes of joinder only: From junction Interstate Highway 90 and U.S. Highway 93 at Missoula over Interstate Highway 90 to junction Interstate Highway 5 at Seattle, and return over the same route, (A) restricted against the transportation of traffic originating at Chicago, Ill., and points in its commercial zone as defined by the Commission, and destined to St. Paul, Minn., and points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission.

(B) Restricted against the transportation of traffic originating at St. Paul, Minn., and points in its commercial zone as defined by the Commission, and destined (a) to Chicago, Ill., and points in the Chicago, Ill., commercial zone as defined by the Commission, or (b) to Missoula, Mont., and points west thereof; and (C) restricted against the transportation of traffic originating at Missoula, Mont., and points west thereof, and destined to St. Paul, Minn., and points in its commercial zone as defined by the Commission.

By the instant petition, petitioner seeks to modify its authority in its Sub 234 by deleting the restriction and to modify its Sub 343 authority by revising territorial limitations of its restriction so as to read: "Restricted against the transportation of traffic originating at points in the Chicago, Ill., commercial zone as defined by the Commission and destined to points in St. Paul, Minn. commercial zone as defined by the Commission and against the transportation of traffic originating at points in the St. Paul, Minn. commercial zone as defined by the Commission, and destined to points in the Chicago, Ill. commercial zone as defined by the Commission".

No. MC 79142 (Sub-No. 2) (Notice of Filing of Petition for Modification of Restriction), filed May 14, 1976. Petitioner: T & T TRUCKING & TRANSPORTATION CO., INC., 43-06 54th Rd., Maspeth, N.Y. 11378. Petitioner's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Petitioner holds a motor *common carrier* Certificate in No. MC 79142 (Sub-No. 2), issued August 31, 1973, authorizing transportation, over irregular routes, of *essential oils, aroma chemicals, and flavors* (except in bulk), from points in the New York, N.Y., Harbor Limits, as defined in 49 CFR 1070.1 and Long Island City, N.Y., to Avenel, Belleville, Clifton, East Hanover, East Rutherford, Elizabeth, Newark, Piscataway, and Totowa, N.J., restricted, (1) to the transportation of shipments having an immediately prior movement by water, between points in that part of the New York, N.Y., commercial zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203 (b)(8) of the Interstate Commerce Act (the "exempt" zone), and Maywood, N.J., and; (2) subject to the right of the Commission, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act.

By the instant petition, petitioner seeks to modify restriction (1) above to read as follows: "Restricted to the transportation of shipments having an immediately prior movement in interstate or foreign commerce".

No. MC 112941 (Sub-No. 1) (Notice of Filing of Petition for Reopening and Modification of Certificate), filed June 1, 1976. Petitioner: WEST VIRGINIA MOTOR DELIVERY CO., INC., Jct. Rt. 35 and Alt. Rt. 25, P.O. Box 2829, Charleston, W. Va. 25330. Petitioner's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Petitioner holds a motor *common carrier* Certificate in No. MC 112941 (Sub-No. 1), issued July 9, 1959, authorizing transportation over irregular routes, of *foods* (canned, prepared, preserved, or frozen), from the site of the warehouse of West Virginia Motor Delivery Co., Inc. located at Charleston, W. Va., to points in Kentucky, Ohio, and West Virginia within 100 miles of Charleston.

By the instant petition, petitioner seeks to reopen this matter for the purpose of modifying its commodity description so as to read: "*Foods* (canned, prepared, preserved or frozen), including candy, confectionery, hollow mold candy, chocolate and medicinal candy."

No. MC 113678 (Sub-No. 432) (Notice of Filing of Petition to Modify Certificate), filed April 28, 1976. Petitioner: CURTIS, INC., P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Petitioner's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501, Petitioner holds *common carrier* certificate in No. MC 113678 (Sub-No. 432), issued June 15, 1972, authorizing, as pertinent, transportation over irregular routes, of *foodstuffs*, from the plantsites and storage facilities of Totino's Finer Foods, Inc., King Foods, Inc., and Feinberg Distribution Co., Inc., located in the Minneapolis, Minn., Commercial Zone, as defined by the Commission, to points in Montana, Colorado, New Mexico, Arizona, Utah, California, Nevada, Oregon, Washington, Idaho, and Wyoming, restricted to traffic originating at the above named plantsites and storage facilities.

By the instant petition, petitioner seeks to (1) change one of the plantsite and storage facility to the Pillsbury Company in lieu of Totino's Finer Foods, Inc., (2) to add Nebraska as an additional destination point, and (3) apply the restriction according to the change made in (1) above.

No. MC 135007 (Sub-No. 37) Notice of filing of Petition to add an Origin Point), filed June 1, 1976. Petitioner: AMERICAN TRANSPORT, INC., P.O. Box 37406, Millard Station, Millard, Nebr. 68137. Petitioner's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Petitioner holds a motor *contract carrier* Permit in No. MC 135007 (Sub-No. 37), issued January 22, 1976, authorizing transportation over irregular routes, of *meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sec-

tions A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), (1) from the facilities of Spencer Foods, Inc., at or near Spencer, Hartley, and Cherokee, Iowa, and Fremont, Nebr., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Vermont, New Hampshire, Maine, and the District of Columbia; and (2) from points in Colorado, Kansas, Iowa, and Texas, to the facilities of Spencer Foods, Inc., at or near Schuyler, Nebr., and Hartley and Spencer, Iowa, under a continuing contract, or contracts, with Spencer Foods, Inc. of Spencer, Iowa.

By the instant petition, petitioner seeks to modify its Permit by adding Fort Dodge, Iowa as an additional origin point with respect to part (1) of its Permit.

No. MC 139837 (Sub-No. 2) (Notice of Filing of Petition to Modify Territorial Description), filed May 13, 1976. Petitioner: K & I DISTRIBUTORS, INC., P.O. Box 29, New Haven, Ind. 46774. Petitioner holds a *contract carrier* permit in No. MC 139837 (Sub-No. 2), issued April 9, 1976, authorizing, as pertinent, transportation over irregular routes, of *such merchandise* as is dealt in by home and personal care products distributors, from Huntington, Ind., to points in Indiana on and north of Indiana State Highway 46, under a continuing contract, or contracts with Amway Corporation, of Ada, Michigan.

By the instant petition, petitioner seeks to change the origin point to Fort Wayne, Ind. in lieu of Huntington, Ind.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2900 (Sub-No. 291), filed May 20, 1976. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: John W. Carter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Southern Frozen Foods, Inc. located at Montezuma, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 3281 (Sub-No. 7), filed April 12, 1976. Applicant: POWELL TRUCK LINE, INC., 800 S. Main Street, Searcy, Ark. 72143. Applicant's representative: Warren A. Goff, 2008 Clark Tower, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and articles which require special handling because of size or weight), between Memphis, Tenn., and Little Rock, Ark.: (1) From Memphis, Tenn. over U.S. Highway 64 to Bald Knob, Ark., thence over U.S. Highway 67 to Little Rock, Ark., and return over the same route, serving no intermediate points; and (2) from Memphis, Tenn. over Interstate Highway 40 to Little Rock, Ark., and return over the same route, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Little Rock, Ark.

No. MC 4405 (Sub-No. 533), filed May 20, 1976. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th Street, P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Leonard L. Bennett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock crusher equipment*, trailer mounted, in initial movement, in truck-away service, from the plantsite of Hewitt-Robins, Inc., located at points in Richland County, S.C. to points in the United States (except Alaska and Hawaii), restricted to service in which carrier furnishes tractor and driver for purpose of towing.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbia, S.C. or Atlanta, Ga.

No. MC 11207 (Sub-No. 372), filed May 12, 1976. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 702 World Center Building, 918 Sixteenth St. N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, composition shingles, rolled roofing, roofing compounds and accessories*, from the plantsite and storage facilities of Elk Corp. located at or near Stephens and Camden, Ark., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or Memphis, Tenn.

No. MC 19227 (Sub-No. 229), filed May 20, 1976. Applicant: LEONARD BROS. TRUCKING CO., INC., P.O. Box 52062, Miami, Fla. 33132. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers and fluid coolers*, and *parts and accessories* for cooling towers and fluid coolers; and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of commodities described in (1) above (except commodities in bulk), between Houston, Tex.; Tulsa, Okla.; Henderson, Ky.; Sonoma County, Calif.; and Stockbridge, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the facilities of Ecodyne Cooling Products Division of Ecodyne Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the appli-

cant requests it be held at either Tulsa, Okla. or Dallas, Tex.

No. MC 21491 (Sub-No. 3), filed May 18, 1975. Applicant: WILLIAM VOLLRATH, Cease Street, R.D. #1, P.O. Box 79, Harvey's Lake, Pa. 18618. Applicant's representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Organic potting soil*, from Elkland, Pa., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 42487 (Sub-No. 850), filed May 13, 1976. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, P.O. Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common* carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Keystone-Rees, Inc., at or near Fremont, Ind., as off-route point in connection with carrier's presently authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 43867 (Sub-No. 29), filed April 14, 1976. Applicant: A. LEANDER McALISTER TRUCKING COMPANY, 1610 East Scott St., P.O. Box 2214, Wichita Falls, Tex. 76307. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which by reason of size or weight, require special handling or the use of special equipment; (2) *commodities* which do not require special handling or the use of special equipment when moving in the same vehicle and on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; (3) *self-propelled articles* (except motor vehicles as defined in Section 203 (a) (13 of the Interstate Commerce Act,) and *related machinery, tools, parts, and supplies* moving in connection therewith; (4) *iron and steel articles* as described in Appendix V to the Commission's report in *Descriptions in Motor Carrier Certificates*, Ex Parte, MC–45, 61 M.C.C. 209 and 766; (5) *pipe*, other than iron and steel, together with fittings; (6) *irrigation and sprinkler systems and equipment*, between points in Carter, Comanche, Cotton, Harmon, Jackson, Jefferson, Love, Stephens, and Tillman Counties, Okla.; and Archer, Baylor, Childress, Clay, Cottle, Foard, Hardeman, Haskell, Jack, King, Knox, Montague, Throckmorton, Wichita, Wilbarger, and Young Counties, Tex., on the one hand and on the other points in the United States (except Alaska and Hawaii); (7) *Materials, supplies and equipment* used in the manufacture, production and distribution of the commodities set forth in (1) through (6) above, from points in the United States (except Alaska and Hawaii), to points in Carter, Comanche, Cotton, Harmon, Jackson, Jefferson, Love, Stephens, and Tillman Counties, Okla., and Archer, Baylor, Childress, Clay, Cottle, Foard, Hardeman, Haskell, Jack, King, Knox, Montague, Throckmorton, Wichita, Wilbarger, and Young Counties, Tex.

NOTE.—Applicant requests that if a hearing is deemed necessary, it be consolidated with John B. Barbour Trucking Company, and held at Wichita Falls, Tex.

No. MC 50069 (Sub-No. 508), filed May 17, 1976. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Kenton and Morral, Ohio, to points in Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 56244 (Sub-No. 50) filed May 19, 1976. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. #2, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 N. Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boxboard*, from Halltown, W. Va., to points in Georgia, South Carolina, and Tennessee; and (2) *waste paper, boxboard clippings, empty skids and pallets, and paper cones*, from points in Georgia, South Carolina, and Tennessee, to Halltown, W. Va., restricted to shipments originated at and destined to, the above origins and destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 59570 (Sub-No. 41), filed May 10, 1976. Applicant: HECHT BROTHERS, INC., 2075 Lakewood Road, Toms River, N.J. 08753. Applicant's representative: Rita Tripodi (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reclaimed dust* in bulk, from the facilities of Ottowa Silica Co., located at or near Ledyard, Conn., to points in Delaware, Maryland, New Jersey, New York and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 61396 (Sub-No. 309), filed May 10, 1976. Applicant: HERMAN BORS. INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mine safety dust*, in bulk and in bags, from East Stone, Va., to points in Kentucky and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Roanoke, Va. or Omaha, Nebr.

No. MC 85255 (Sub-No. 59), filed May 19, 1976. Applicant: PUGET SOUND TRUCK LINES, INC., P.O. Box 24526, 3720 Airport Way South, Seattle, Wash. 98124. Applicant's representative: Clyde H. MacIver, 1900 Peoples National Bank Bldg., 1415 Fifth Ave., Seattle, Wash. 98171. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, (1) from Portland, Oreg., to points in that part of Washington in and west of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania Counties, and (2) from points in King, Pierce, and Thurston Counties, Wash., to points in Lane and Hood River Counties, Oreg.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Olympia or Seattle, Wash.

No. MC 87511 (Sub-No. 19), filed May 7, 1976. Applicant: SAIA MOTOR FREIGHT LINE, INC., P.O. Box 10157, Houma, La. 70360. Applicant's representative: Phillip Robinson, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities, which because of size or weight require the use of special equipment), between the junction Louisiana Highway 14 and Louisiana Highway 3056, and the plantsite of the Superior Oil Company, located at or near Lowry, La.: From the junction of Louisiana Highways 14 and 3056, over Louisiana Highway 3056, to the plantsite of Superior Oil Company, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.; Houston, Tex.; or Baton Rouge, La.

No. MC 99695 (Sub-No. 12), filed April 29, 1976. Applicant: ATLAS TRANSIT, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: James W. Conner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite and facil-

ities of Dow Chemical U.S.A., at or near Magnolia, Ark., as an off-route point, in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 100666 (Sub-No. 322), filed May 13, 1976. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Wyoming to points in Kansas, New Mexico, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 103993 (Sub-No. 868), filed May 6, 1976. Applicant: MORGAN DRIVE AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies* used in the manufacture, sale and distribution of metal buildings, and metal building parts and sections (except commodities in bulk), from points in Alabama, Indiana, Illinois, Ohio, Maryland, Missouri and Pennsylvania to Lauringburg, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Raleigh, N.C. or Atlanta, Ga.

No. MC 105045 (Sub-No. 62), filed May 19, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania St., P.O. Box 3277, Evansville, Ind. 47708. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compactors and compactor* or *refuse containers*, the transportation of which, because of size or weight, requires the use of special equipment or special handling, from Vernon, Ala. to points in the United States (except Alaska, Hawaii, Illinois, Indiana, Kentucky, Maryland, Ohio, Pennsylvania, Tennessee, West Virginia and the District of Columbia).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Birmingham, Ala.

No. MC 105813 (Sub-No. 213), filed May 20, 1976. Applicant: BELFORD TRUCKING CO., INC., 1759 S.W. 12th Street, P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard, edible tallow, shortening, vegetdble oil, cooking oils and margarine*, from Bradley and Kankakee, Ill., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 106398 (Sub-No. 741), filed May 10, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, buliding parts, and materials, accessories, and supplies* used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), from the plantsite and storage facilities of Butler Manufacturing Company located at or near Laurinburg, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 107295 (Sub-No. 816), filed May 10, 1976. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paperboard and paperboard products*, from Chesapeake and Lynchburg, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 975), filed May 20, 1976. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Organic peroxides and percarbonates*, (except commodities in bulk), from the plant site of PPB Industries, Inc., located at Lake Charles, La. to points in the United States, (except Alaska and Hawaii), restricted to the transportation of shipments originating at the said plant site.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107452 (Sub-No. 5), filed May 3, 1976. Applicant: R. D. BROWN, doing business as DAN BROWN TRUCKING, Greybull Heights, Greybull, Wyo. 82426. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; (2) *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main pipelines, (a) between Worland, Wyo., and points in Wyoming within 75 miles of Worland, on the one hand, and on the other, points in Wyoming beyond 75 miles from Worland and points in Colorado, Montana, and Utah; (b) between points in Wyoming; (c) between points in that part of North Dakota on and west of a line beginning at the International Boundary line between the United States and Canada, and extending along North Dakota Highway 30 through St. John, York, and Medina to Lehr, thence along unnumbered highway (formerly North Dakota Highway 30) to Ashley, and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line; those in that part of South Dakota west of the Missouri River and on and north of U.S. Highway 14; and those in that part of Montana on and east of a line beginning at the Montana-Wyoming State line at or near Alzada, and extending along U.S. Highway 212 to Miles City, thence along Montana Highway 22 to Jordan, thence northwesterly in a straight line to Malta, and thence along unnumbered highway (formerly Montana Highway 19) on the International Boundary line between the United States and Canada; and (d) between points in those specified portions of North Dakota and South Dakota in part (c) above, on the one hand, and, on the other, points within 75 miles of Worland, Wyo., including Worland;

(3) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and (4) *machinery, equipment and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main pipelines, between points in Nevada, on the one hand, and, on the other, points in Wyoming, Colorado, Montana, and Utah.

NOTE.—Applicant seeks by this application to tack parts (1) through (4), one to the other, in any combination and with existing

authority to provide through service. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Billings, Mont.

No. MC 107487 (Sub-No. 6), filed May 5, 1976. Applicant: COLUMBIA CITY FREIGHT LINES, INC., R.R. #2, P.O. Box 328, Columbia City, Ind. 46725. Applicant's representative: Donald W. Smith, Suite 2465 One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between Sturgis, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Chicago, Ill.

No. MC 108119 (Sub-No. 48) filed May 7, 1976. Applicant: E. L. MURPHY TRUCKING CO., 3303 Sibley Memorial Highway, P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight, require special handling or the use of special equipment; (2) *self-propelled articles*, each weighing 15,000 pounds or more; (3) *related machinery, parts, tools, materials and supplies* when their transportation is incidental to the transportation by carrier of commodities in (1) and (2) above; and (4) *metal and metal articles*, between points in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Maine, Massachusetts, the lower peninsula of Michigan, Missouri, Mississippi, North Carolina, New Hampshire, New Jersey, New York Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 108341 (Sub-No. 47), filed May 20, 1976. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts, and materials, accessories and supplies* used in the installation, erection and construction of buildings, building panels, and building parts (except commodities in bulk), from the facilities of Butler Manufacturing Company located at or near Laurinburg, N.C., to points in the United States (excluding Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 108393 (Sub-No. 101), filed May 14, 1976. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses, and retail department stores, and in connection therewith, such *equipment, materials and supplies* as are used in the conduct of such business, from Findlay, Ohio to Minneapolis and St. Paul, Minn., under a continuing contract, or contracts, with Sears, Roebuck and Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 10876 (Sub-No. 95), filed May 11, 1976. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from the plantsite of Fourco Glass Co., at Jerry Run Division (Taylor County), W. Va., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Louisville, Ky.

No. MC 108676 (Sub-No. 96), filed May 11, 1976. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Middletown, Cleveland, Yorkville, Steubenville, and Youngstown, Ohio; Indiana Harbor, Ind.; Hennepin, Ill.; Weirton, W. Va.; Sparrows Point, Md.; and Butler, Pa., to Cleveland, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Knoxville or Nashville, Tenn.

No. MC 110988 (Sub-No. 334), filed May 12, 1976. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal mucosa*, in bulk, in tank vehicles, from points in the United States (except Alaska and Hawaii), to Cordova, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111302 (Sub-No. 90), filed May 24, 1976. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, Knoxville, Tenn. 37919. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of the Rohm & Haas Company located at Louisville, Ky., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio and Wisconsin, restricted to traffic destined to the above destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111302 (Sub-No. 91), filed May 24, 1976. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, Knoxville, Tenn. 37919. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Knoxville, Tenn., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111302 (Sub-No. 92), filed May 11, 1976. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, Tenn. 37949. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, (1) from the plantsite and facilities of the Viking Chemical Company, at or near Blooming Prairie, Minn., to points in Georgia, Kentucky, Mississippi, Tennessee, and Virginia; and (2) from Knoxville, Tenn., to points in Georgia, Kentucky, Mississippi, Tennessee, and Virginia, restricted to shipments having a prior movement from Blooming Prairie, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 111310 (Sub-No. 19), filed May 13, 1976. Applicant: BEER TRANSIT, INC., P.O. Box 112, Black River Falls, Wis. 54615. Applicant's representative: Wayne W. Wilson, 329 West Wilson Street, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation*, from points in Dodge County, Wis., to points in the United States (except Alaska, Hawaii, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New Mexico, New York, Ohio, Pennsylvania, and Tennessee).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the appli-

cant requests it be held at either Madison or Black River Falls, Wis.

No. MC 113024 (Sub-No. 146) filed May 11, 1976. Applicant: ARLINGTON J. WILLIAMS, INC., 1398 South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Elastic webbing*, from Rolling Fork, Miss., to Newnan, Ga., under a continuing contract or contracts with International Playtex, Inc.

NOTE.—Applicant holds common carrier authority in MC 135046 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 349), filed May 19, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Lathrop, Calif., to points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 113855 (Sub-No. 350), filed May 20, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, Minn. 55901. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed sulfur*, from the ports of entry on the International Boundary line between the United States and Canada located in Montana to points in California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic originating in the Province of Alberta, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Seattle, Wash.

No. MC 114211 (Sub-No. 270), filed May 14, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Dan Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrought pipe, iron or steel*, from Long Beach, Calif. to points in Alabama, Arizona, Arkansas, Colorado, Idaho, Illinois. Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles or San Francisco, Calif. and/or Las Vegas, Nev.

No. MC 114552 (Sub-No. 113), filed May 10, 1976. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 1267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paperboard and paperboard products*, from Chesapeake and Lynchburg, Va., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114969 (Sub-No. 53), filed May 12, 1976. Applicant: PROPANE TRANSPORT, INC., P.O. Box 232, 1734 State Route 131, Milford, Ohio 45150. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of C. F. Industries, at or near Huntington, Ind., to points in Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 115162 (Sub-No. 324), filed May 10, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paperboard and paperboard products* (except commodities in bulk, in tank vehicles), from Chesapeake and Lynchburg, Va., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Richmond, Va. or Washington, D.C.

No. MC 155311 (Sub-No. 189) filed May 19, 1976. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Glass fibre rovings, yarn and strand;* (2) *glass fibre mats and mattings;* (3) *supplies and materials*, used in the manufacture of (1) and (2) above (except commodities in bulk), between the plantsite and warehouse facilities of Certain-Teed Products Corp., in Clark and Dekalb Counties, Ga., on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; and *insulating materials;* and (2) *supplies and materials*, used in the manufacture of insulating materials (except in bulk), between the plantsite and warehouse facilities of Certain-Teed Products Corp., in Clarke and DeKalb Counties, Ga., on the one hand, and, on the other, points in Delaware, Illinois, Missouri, New Jersey, Ohio, Pennsylvania, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 116763 (Sub-No. 343), filed May 20, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned milk*, from Maysville, Ky. to points in Alabama, Florida, Georgia, Mississippi, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 116763 (Sub-No. 344), filed May 20, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned milk*, from Maysville, Ky., to points in Illinois, Indiana, Ohio and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 116866 (Sub-No. 2), filed May 20, 1976. Applicant: PAT'S TOW SERVICE, INC., 76 Pearl Street, Cambridge, Mass. 02139. Applicant's representative: James E. Mahoney, 84 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Storage trailers and office trailers*, between points in Massachusetts, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass., or Hartford, Conn.

No. MC 116915 (Sub-No. 28), filed May 13, 1976. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 2015 Alsop Lane, P.O. Box 1279, Owensboro, Ky. 42301. Applicant's representative: Fred Bradley, Box 773, Frankfort, Ky. 40601. Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel, plate or sheet, flat or in coils*, between the plantsite and warehouse of Roll Coaters, Incorporated, at or near Kingsbury, Ind., and points in Illinois, Iowa, Michigan, Minnesota, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lexington or Louisville, Ky., or Washington, D.C.

No. MC 117344 (Sub-No. 251), filed May 21, 1976. Applicant: THE MAXWELL CO., P.O. Box 15010, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 1396 West Fifth Ave., Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron oxide*, in bulk, from Gadsden, Ala., to Toledo, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 118038 (Sub-No. 13), filed May 10, 1976. Applicant: EASLEY HAULING SERVICE, INC., Gun Club Road, P.O. Box 1261, Yakima, Wash. 98907. Applicant's representative: Charles C. Flower, 303 East "D" Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose insulation in bags*, from Parker, Wash. and Portland, Oreg. to Bellingham, Colville, Lynwood, Olympia, Pasco, Spokane, Tacoma, Walla Walla, Wenatchee, and Yakima, Wash.; Boise, Caldwell, Lewistson, Nampa, Pocatello, and Twin Falls, Idaho; Corvallis, Eugene, Grants Pass, Klamath Falls, Medford, Ontario, Pendleton, and Portland, Oreg.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Yakima or Seattle, Wash. and/or Portland, Oreg.

No. MC 118263 (Sub-No. 59), filed May 20, 1976. Applicant: COLDWAY CARRIERS, INC., P.O. Box 38, Clarksville, Ind. 47130. Applicant's representative: William P. Whitney, Jr., 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Suspended meat*, from the plantsite of Elm Hill Meats, Inc., located at Lexington, Ky., to Grand Rapids and Detroit, Mich.; Chicago and Kankakee, Ill.; Atlanta and Savannah, Ga.; Philadelphia, Pa.; N. Baltimore, Bellefontaine, Piqua, and St. Mary's, Ohio; Boston, Mass.; Miami and Jacksonville, Fla.; Mt. Airy and Baltimore, Md.; Nashville and Memphis, Tenn.; Evansville, Ind.; and Eau Claire, New London, Milwaukee, Green Bay, and Butler, Wis., restricted to traffic originating at or destined to the above named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lexington or Louisville, Ky.

No. MC 119619 (Sub-No. 88), filed May 18, 1976. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43d Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsites and storage facilities used by Dinner Bell Foods, Inc. located at Archbold and Troy, Ohio, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania; Rhode Island, King George, Va., and the District of Columbia restricted to the transportation of shipments originating at and destined to the points and territories named above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 121470 (Sub-No. 12), filed May 12, 1976. Applicant: TANKSLEY TRANSFER COMPANY, a Corporation, 801 Cowan Street, Nashville, Tenn. 37207. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Welded steel tubing*, from the plantsite and storage facilities of Parathenon Metal Works, Inc., at or near Smyrna, Tenn., to points in Alabama, Illinois, Indiana, Kentucky, Missouri, and Ohio, restricted to the transportation of traffic originating at the plantsite and storage facilities of Parathenon Metal Works, Inc., at or near Smyrna, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.; Louisville, Ky.; or Memphis, Tenn.

No. MC 123383 (Sub-No. 76), filed May 10, 1976. Applicant: BOYLE BROTHERS, INC., R.D. 2, Box 329C, Medford, N.J. 08055. Applicant's representative: Chandler L. van Orman, 704 Southern Building, 15th & H Streets, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paperboard and paperboard products*, from Chesapeake and Lynchburg, Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 123407 (Sub-No. 298) filed May 10, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonferrous metals and alloys*, including scrap metals, and *nonferrous concentrates* (except commodities which because of size or weight require the use of special equipment), between points in the United States including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 123407 (Sub-No. 299), filed May 20, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Kankakee County, Ill., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 300), filed May 20, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Valparaiso, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 301), filed May 12, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Clifford J. Rice (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Particleboard*, (except in bulk), from Navajo and McKinley County, N. Mex. to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas and Wisconsin; and (2) *Lumber and lumber products*, (except in bulk), from Navajo and McKinley County, N. Mex. to points in Arizona, California, Colorado, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Albuquerque, N. Mex.

No. MC 123407 (Sub-No. 302), filed May 12 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as ap-

plicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Lumber and lumber products*, from Idaho, Montana, South Dakota, Utah, and Wyoming, to points in Arizona and New Mexico; (2) *lumber and lumber products*, from Arizona, Colorado and New Mexico, to points in Alabama, Florida Georgia, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and West Virginia; and (3) *lumber and lumber products, particleboard, plywood, and millwork*, from points in Coconino County, Ariz.; points in Washington, Iron, Garfield, and San Juan Counties, Utah; and points in Eagle, LaPlata, Montezuma, Montrose, Rio Grande, Delores, Archuleta, San Miguel, and San Juan Counties, Colo., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Albuquerque, N. Mex.

No. MC 123407 (Sub-No. 303), filed May 13, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same addresss as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectioneries, foodstuffs, and sales premiums*, from Bensenville and Chicago, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 304), filed May 19, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin* (except in bulk), from Blue Island, Ill., to points in California, Florida, Illinois, Indiana, Massachusetts, Michigan, Minnesota, Mississippi, New York, Ohio, Pennsylvania, Tennessee, Texas and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 124809 (Sub-No. 2), filed May 6, 1976. Applicant: DONALD L. WAEHLER, doing business as, WAEHLER TRUCKING SERVICE, Route #1, P.O. Box 65, Lomira, Wis. 53048. Applicant's representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Contractors' and construction materials and supplies* (except commodities in bulk), and *new household appliances*, from the plantsites and warehouse facilities of The Kindt Corporation located at or near Greenville, Beaver Dam, Lomira, Sheboygan and Menomonee Falls, Wis., to points in Illinois, Indiana, Iowa, Michigan, and Minnesota; (2) *finished millwork products* (except commodities in bulk), from points in Michigan, Minnesota and Iowa, to the facilities of The Kindt Corporation, located at or near Greenville, Beaver Dam, Lomira, Sheboygan, and Menomonee Falls, Wis.; and (3) *shingles, roofing materials, and driveway sealer* (except commodities in bulk), from points in Illinois and Minnesota, to the destination points named in (2) above, under a continuing contract, or contracts, in (1) through (3) above, with The Kindt Corporation, located in Lomira, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis. or Chicago, Ill.

No. MC 125335 (Sub-No. 5), filed May 20, 1976. Applicant: GOOD-WAY, INC., P.O. Box 2283, York, Pa. 17405. Applicant's representative: Chester A. Zyblut, 1030 Fifteenth Street, N.W., 366 Executive Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Montezuma, Ga., to points in Florida, Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, South Carolina, Tennessee, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 127840 (Sub-No. 49), filed May 12, 1976. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, Ill. 60438. Applicant's representative: William H. Towle, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shortenings, lards, tallow, cooking oils, and oleomargarine*, from the facilities of Swift Edible Oil Company, located at or near Bradley, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 127840 (Sub-No. 50), filed May 15, 1976. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, Ill. 60438. Applicant's representative: William H. Towle, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor *vehicle*, over irregular routes, transporting: *Animal mucosa*, in bulk, in tank vehicles, from points in Virginia, to Chicago, North Chicago, and Park Forest South, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128195 (Sub-No. 2), filed May 10, 1976. Applicant: CHIEFTAIN EXPRESS, INC., P.O. Box 672, 2440 Old Logan Rd., Rt. 8 S.E., Lancaster, Ohio 43130. Applicant's representative: James R. Stiverson, 1396 West Fifth Ave., Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Fairfield County, Ohio, to points in Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, West Virginia, and the Lower Peninsula of Michigan; and (2) *paper and paper mill supplies* (except in bulk), from points in Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, West Virginia, and the Lower Peninsula of Michigan, to Fairfield County, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio, or Washington, D.C.

No. MC 128273 (Sub-No. 229), filed May 11, 1976. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, 121 Humboldt St., Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, Jr., 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone and stone products*, from points in Costilla County, Colo., to points in Arkansas, Indiana, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, North Dakota, Ohio, Oklahoma, South Dakota, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 128383 (Sub-No. 70), filed May 13, 1976. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, and motor vehicles requiring special equipment) in trailers equipped with roller-bed floors, between Tulsa International Airport, Tulsa, Okla., Will Rogers World Airport, Oklahoma City, Okla., Wiley Post Airport, Oklahoma City, Okla., Dallas Love Field, Dallas, Tex., Dallas-Ft. Worth International Airport, Ft. Worth, Tex., Houston Intercontinental Airport, Houston, Tex., El Paso International Airport, El Paso, Tex., New Orleans International Airport, New Orleans, La., Municipal Airport, Little Rock, Ark., and Laredo International Airport, Laredo, Tex., on the one hand, and, on the other, O'Hare International Airport, Chicago, Ill., New Orleans International Airport, New Orleans, La., J. F. Kennedy International Airport, New York, N.Y., Newark International Airport, Newark, N.J., Los Angeles International Airport, Los Angeles, Calif., San Francisco International Airport, San Francisco, Calif., and Oakland International Airport, Oakland, Calif.,

restricted to the transportation of traffic having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128772 (Sub-No. 11), filed May 20, 1976. Applicant: STAR BULK TRANSPORT, INC., 821 North Front Street, New Ulm, Minn. 56073. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Butter and cheese;* and (2) *commodities*, the transportation of which is within the partial exemption of Section 203(b)(6) of the Interstate Commerce Act when moving in mixed shipments with butter or cheese, from New Ulum, Minn., and Portage, Wis., to points in Connecticut, Delaware, Massachusetts, Maine, Maryland, Nebraska, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia and the District of Columbia, under a continuing contract, or contracts, with Associated Milk Producers, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 128870 (Sub-No. 6) (Correction), filed April 7, 1976, published in the FEDERAL REGISTER issue of May 13, 1976, republished as corrected this issue. Applicant: NATIONAL MATERIALS CORPORATION, 3095 I.H. 35 West, P.O. Box 187, New Braunfels, Tex. 78130. Applicant's representative: Joe T. Lanham, 1102 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in tank vehicles, from points in Bexar, Comal, and Travis Counties, Tex., to ports of entry on the International Boundary line between the United States and the Republic of Mexico, located at points in Texas.

NOTE.—The purpose of this republication is to indicate the origin County as being Bexar County, Tex. in lieu of Bexer County, Tex. If a hearing is deemed necessary, applicant requests it be held at either San Antonio or Dallas, Tex.

No. MC 134114 (Sub-No. 7), filed May 10, 1976. Applicant: NEBRASKA BEEF EXPRESS, INC., 4440 Buckingham Ave., Omaha, Nebr. 68107. Applicant's representative: Kenneth P. Weiner, 608 Executive Bldg., Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha, Nebr., to points in Cook and DuPage Counties, Ill., Cedar Rapids and Waterloo, Iowa, and Milwaukee, Kenosha, Madison, and Green Bay, Wis., under a continuing contract, or contracts, with Flavorland Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 134215 (Sub-No. 5), filed May 14, 1976. Applicant: MINNESOTA EXPRESS, INC., 617 West Pacific Ave., P.O. Box 427, Willmar, Minn. 56201. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods, frozen, including dough*, from Hopkins, Minn., to points in South Dakota, located on and east of U.S. Highway 281, under a continuing contract, or contracts, with Red Owl Stores, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul or Minneapolis, Minn.

No. MC 134238 (Sub-No. 11), filed May 7, 1976. Applicant: GENE'S, INC., 10115 Brookville-Salem Road, Clayton, Ohio 45315. Applicant's representative: Richard L. Goodman, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, material, and supplies* used in the conduct of such business (excluding commodities in bulk), in vehicles equipped with mechanical refrigeration, between Indianapolis, Ind., on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, Missouri, Ohio (except Washington Court House), and Pennsylvania, under a continuing contract, or contracts with The Kroger Co. located at Cincinnati, Ohio, restricted to traffic originating at or destined to a facility of the Kroger Co.

NOTE.—Applicant holds common carrier authority in No. MC 133977 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 134467 (Sub-No. 14), filed May 21, 1976. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, Ark. 72764. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, *oil filters and vehicle body sealer and sound deadener compound*, from St. Marys and Congo, W. Va., to points in Arkansas, Oklahoma and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 134922 (Sub-No. 172), filed May 17, 1976. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pottery, porcelain, plastic products and compounds* (except in bulk), from Evansville, Ind., to points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Little Rock, Ark.

No. MC 134957 (Sub-No. 2), filed May 19, 1976. Applicant: COASTAL TRANSPORT CO., INC., 6300 Richmond Ave., Suite 200, P.O. Box 22592, Houston, Tex. 77027. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives, building materials, gypsum and gypsum products, fabricated metal products, lime, paper and paper products and such materials and supplies* as are used in the manufacture, installation, and distribution of aforementioned commodities (except commodities in bulk), between the plant site and storage facilities of the United States Gypsum Company located at or near Galena Park, Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, and Texas, under a continuing contract or contracts with United States Gypsum Company.

NOTE.—Applicant holds common carrier authority in MC 120430 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 135197 (Sub-No. 8), filed May 14, 1976. Applicant: LEESER TRANSPORTATION, INC., Route 3, Palmyra, Mo. 63461. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Phosphatic feed supplements*, from the plantsite of American Cyanamid Company located at or near Alden, Iowa, to points in Illinois, Indiana, Kentucky, Michigan, and Ohio, (2) *phosphatic feed supplements*, from the plantsite of American Cyanamid Company located at or near Weeping Water, Nebr., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, and Ohio, (3) *animal and poultry medicaments and insecticides*, from South Liberty, Mo., to points in Illinois, Indiana, Kentucky, Michigan, and Ohio; and (4) *agricultural insecticides*, from St. Joseph, Mo., and Sargent Bluff, Iowa, to points in Illinois, Indiana, Kentucky, Michigan, and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 136182 (Sub-No. 3), filed May 3, 1976. Applicant: B & C MOTOR

FREIGHT, INC., 18 Matilda Street, P.O. Box 166, Peru, Ind. 46970. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, in bulk, in tank vehicles, between the facilities of the Southwind Maritime Centre at or near Mount Vernon (Posey County), Ind., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Missouri, Ohio, and Tennessee, restricted to traffic having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Indianapolis, Ind.

No. MC 136343 (Sub-No. 79), filed May 10, 1976. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper*, from the facilities of Mohawk Paper Mills, Inc. located at Cohoes and Waterford, N.Y., to points in Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and the District of Columbia; and (2) *equipment, materials and supplies* used or useful in the manufacture of paper (except commodities in bulk), from points in Georgia, Illinois, Indiana, Maine, Nebraska, New Hampshire, North Carolina, and Ohio, to the facilities of Mohawk Paper Mills, Inc. located at Cohoes, Watervliet, and Waterford, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Albany, N.Y. or Washington, D.C.

No. MC 136464 (Sub- No. 23) (Amendment), filed April 20, 1976, published in the FEDERAL REGISTER issue of May 20, 1976, republished as amended this issue. Applicant: CAROLINA-WESTERN EXPRESS, INC., 650 Eastwood Drive, P.O. Box 3961, Gastonia, N.C. 28052. Applicant's representative: Eric Melerhoefer, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile products, furniture, lamps, and lamp shades*, from Memphis, Tenn., Asheboro and Cramerton, N.C. and points in Guilford County, N.C. to points in Arizona, California, Oregon, and Washington, restricted to shipments originating at facilities used by Burlington Industries, Inc. and further restricted to the transportation service to be performed under a continuing contract, or contracts with the Burlington Industries, Inc.

NOTE.—The purpose of this republication is to include Arizona in the territorial description as a destination point. Applicant holds common carrier authority in MC 138635 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Greensboro, N.C.

No. MC 136711 (Sub-No. 27), filed May 13, 1976. Applicant: MCCORKLE TRUCK LINE, INC., 2840 South High St., P.O. Box 95181, Oklahoma City, Okla. 73109. Applicant's representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottom ash and fly ash*, between points in Oklahoma, on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Missouri, and Texas.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Oklahoma City, Okla.

No. MC 136848 (Sub-No. 9), filed May 10, 1976. Applicant: JAMES BRUCE LEE AND STANLEY LEE, doing business as, LEE CONTRACT CARRIERS, P.O. Box 48, Old Route 66, Pontiac, Ill. 61704. Applicant's representative: Edward F. Stanula, 837 East 162nd St., South Holland, Ill. 60473. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrought steel pipe*, from the plant and warehouse facilities of Pittsburgh-International Division Pittsburgh Tube Company located at or near Fairbury, Ill., to Salyersville, Ky.; Greenville and Dallas, Tex.; Bridgeport, Conn.; Des Moines and Pella, Iowa; Buffalo and Brooklyn, N.Y.; Saginaw, Mich.; Montgomery and Alabaster, Ala.; El Reno, Okla.; and Chelsea, Holyoke, and Fall River, Mass.; and (2) *iron or steel plate or sheet*, from Toledo, Cleveland, and Dayton, Ohio, and Detroit, Mich., to the plantsite and warehouse facilities of Pitsburgh-International Division Pittsburgh Tube Company located at or near Pittsburgh-International Division Pittsburgh Tube Co. located at Fairbury, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 136899 (Sub-No. 17) (correction), filed March 5, 1976, published in the FEDERAL REGISTER issue of May 6, 1976, republished as corrected this issue. Applicant: HIGGINS TRANSPORTATION LTD., 1165 E. Haseltine St., Richland Center, Wis. 53581. Applicant's representative: Wayne W. Wilson, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Plastic products* and related *accessories;* (b) *household products* when moving in mixed loads with the commodities described in part (a) or (c) and (c) *curtain and drapery rods* between Baraboo, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used or useful in the manufacture, sale, production, or distribution of the commodities named in part (1) from points in the United States (except Alaska and Hawaii) to Baraboo, Wis.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either Madison or Milwaukee, Wis.

No. MC 136916 (Sub-No. 15), filed May 19, 1976. Applicant: LENAPE TRANSPORTATION CO., INC., P.O. Box 227, Lafayette, N.J. 07848. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from New York, N.Y., to points in New Jersey.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 138336 (Sub-No. 9), filed May 18, 1976. Applicant: CROSSLIN-GRADER CORPORATION, 1022 Sixth Avenue, North, P.O. Box 5807, Nashville, Tenn. 37208 Applicant's representative: Edward C. Blank, II, Middle Tennessee Bank Building, P.O. Box 1004, Columbia, Tenn. 38401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games, toys and plastic articles* (except in bulk in tank vehicles), from Henderson, Ky., to Los Angeles, San Francisco, and Oakland, Calif., under a continuing contract, or contracts, with Kusan, Inc., located in Nashville, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.

No. MC 138512 (Sub-No. 15), filed May 3, 1976. Applicant: ROLAND'S TRANSPORTATION SERVICES, INCORPORATED, doing business as WISCONSIN PROVISIONS EXPRESS, 3383 East Layton Avenue, Cudahy, Wis. 53110. Applicant's representative: Richard C. Alexander, 710 North Plankington Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese and cheese products, materials, equipment and supplies* used in the manufacture and display of cheese and cheese products (except commodities in bulk), between Logan, Utah, on the one hand, and, on the other, Carthage and Monett, Mo., and Green Bay, Wis.; and (2) *cheese and cheese products* (except commodities in bulk), from Logan, Utah, to Baltimore, Md. and points in Colo., under a continuing contract or contracts with L. D. Schreiber Cheese Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Logan, or Salt Lake City, Utah, or Milwaukee, Wis.

No. MC 139120 (Sub-No. 2), filed April 29, 1976. Applicant: P & M TRANSPORT, INC., 13835 N.E. 205th, Woodinville, Wash. 98072. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*,

by motor vehicle, over irregular routes, transporting: *Bulk petroleum and bulk petroleum products,* between points in Washington, Oregon and Idaho, under contract with F. O. Fletcher, Inc., d/b/a Fletcher Oil Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 140612 (Sub-No. 9), filed May 20, 1976. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2011, Cedar Rapids, Iowa 52406. Applicant's representative: George L. Hirschbach, 5000 South Lewis Blvd., Sioux City, Iowa 51102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Long Beach, Calif., to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Utah, and Washington.

NOTE.—Applicant holds contract carrier authority in No. MC 138003 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Long Beach or Los Angeles, Calif.

No. MC 141206 (Sub-No. 1), filed May 17, 1976. Applicant: MICHAEL TRANSFER, INC., 1191 Sharpless Street, La Habra, Calif. 90631. Applicant's representative: Michael Di Peppino (same address as applicant). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Refrigerators, freezers, washers and dryers, dishwashers, trash compactors, disposals, gas and electric ranges, microwave ovens, range hoods, surface units or built-in ranges and air conditioners, parts and accessories,* between points in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura Counties, Calif., restricted to a prior movement by rail, under a continued contract or contracts with General Electric Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 141402 (Sub-No. 2), filed May 10, 1976. Applicant: LINCOLN FREIGHT LINES, INC., State Highway Route 32, P.O. Box 332, Lapel, Ind. 46051. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Scrap paper,* from points in Illinois, Kentucky, Michigan, and Ohio, to points in Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Chicago, Ill.

No. MC 141614 (Sub-No. 2), filed May 10, 1976. Applicant: J. D. HINES AND BILLY HINES, doing business as J. D. HINES AND BILLY HINES TRUCKING, Moore's Highway, Prescott, Ark. 71857. Applicant's representative: J. D. Hines (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Asphalt road building materials, chat, rock, gravel, sand, concrete road building mixes,* hot and cold (except liquid asphalt, dirt and marble lime), from points on and south of Interstate Highway 40 in Arkansas, to points on and north of Louisiana Highway 28.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 141854 (Sub-No. 2), filed May 10, 1976. Applicant: UWHARRIE WOODS, INC., Highway No. 27 West, Albemarle, N.C. 28001. Applicant's representative: Max N. Kinlaw (same address as applicant). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Wood chips, shavings, sawdust and bark,* from the plant site of H. W. Culp Lumber Co., Inc., located near New London, N.C., to Catawba and Florence, S.C., under a continuing contract or contracts with H. W. Culp Lumber Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 141882 (Sub-No. 2), filed May 18, 1976. Applicant: GAYLE T. McGARRY, doing business as EAGLE TRANSFER & STORAGE CO., 2110 1st Ave., P.O. Box F, Lewiston, Idaho 83501. Applicant's representative: Charles E. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Carbonated beverages,* (a) from Worland, Wyo., and Yakima, Wash., to Lewiston, Idaho, and (b) from Lewiston, Idaho to Pendleton, Oreg., Spokane, Wash., and Coeur D'Alene, Idaho; (2) *empty glass bottles,* (a) from Portland, Oreg. and Seattle, Wash., to Lewiston, Idaho, (b) from Tracy, Calif., to Lewiston, Idaho, and (c) from Lewiston, Idaho to Worland, Wyo.; (3) *vending machines,* from Kansas City, Kans. and Pinedale, Calif., to Lewiston, Idaho; (4) *paper cups,* from Seattle, Wash., to Lewiston, Idaho; and (5) *cases of carbonated beverage bottles and cans,* from Castaic, Calif., to Lewiston, Idaho, under a continuing contract, or contracts, in (1) through (5) above, with Idaho Beverages, Inc.

NOTE.—Applicant holds common carrier authority in MC 89153, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Spokane, Wash. or Portland, Oreg.

No. MC 141932 (Partial correction), filed March 26, 1976, published in the FEDERAL REGISTER issue of May 13, 1976, republished as corrected this issue. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, Mass. 02339. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (I)(J) *meats,* (3) from Omaha, and Decatur, Nebr., and Greeley, Colo., to Quincy, Mass. (3)(D) *pallets and milk cases,* between Agawam and Boston, Mass., Burlington, Vt., Manchester, N.H., Portland, Maine, Providence R.I., and Suffield, Conn., the authority in Part III above is restricted to the transportation of traffic originating at or destined to the plant sites and warehouse facilities of H. P. Hood, Inc.

NOTE.—The purpose of this partial republication is to correct the territorial description in part (1J)(3) and (3)(d) which was published in error. The rest of the republication remains the same.

No. MC 141957 (Sub-No. 1), filed May 7, 1976. Applicant: EUGENE NAVARRO, doing business as MIAMI CRATING CO., 5522 N.W. 72nd Avenue, Miami, Fla. 33178. Applicant's representative: Richard B. Austin, Ste. 214, Palm Coast II Bldg., 5255 N.W. 87th Avenue, Miami, Fla. 33178. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities,* crated or in containers, without wheels, and which by reason of their inherent nature and size do not require crating or containerization, from applicant's warehousing facilities at or near Miami, Fla., to Miami, Fla., and its Commercial Zone, restricted to traffic having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 142027 (Sub-No. 1), filed May 5, 1976. Applicant: R. L. DRAYMEN LTD., 2611 County Line Road, Medina, N.Y. 14103. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Automotive parts and accessories,* from Williamsville, N.Y. to points in Cameron, Crawford, Elk, Erie, Forest, McKean, Potter, Tioga, Venango, and Warren Counties, Pa., under a continuing contract or contracts with NAPA, Buffalo, N.Y. a division of Genuine Parts Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Buffalo or Rochester, N.Y.

No. MC 142080, filed April 29, 1976. Applicant: LITE TRANSPORT, INC., 135 State Street, Suite 200, Springfield, Mass. 01103. Applicant's representative: David M. Marshall (same address as applicant). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Electrical devices, products and accessories, and materials and supplies,* used in the manufacture, distribution and sale of such commodities (except in bulk in tank trucks), between Providence, Newport and Cranston, R.I.; Springfield, Mass.; New York, N.Y.; Camden, N.J.; Baltimore, Md.; and Norfolk, Va., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with General Electric Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.; Boston, Mass.; or Washington, D.C.

No. MC 142082, filed May 5, 1976. Applicant: OLIVER BROWN TRUCKING CO., INC., 1031 Julia Street, Elizabeth, N.J. 07201. Applicant's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals* (except in bulk), from Burlington, Fords, Piscataway, Elizabeth, and Garfield, N.J., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia; and (2) *materials, supplies and equipment* used in the manufacture, distribution and packaging thereof (except in bulk), from points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Virginia to Burlington, Fords, Piscataway, Elizabeth, and Garfield, N.J., (1) and (2) are under a continuing contract with Tenneco Chemicals, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 142086, filed May 3, 1976. Applicant: JOY MOTOR FREIGHT, doing business as JERRY A. JACOBS, 845 South Devoe, Olympia, Wash. 98501. Applicant's representative: George LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment): Between Seattle and points in Thurston County, Wash., and intermediate points, via U.S. Highway 99 and Interstate Highway 5.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Olympia, Wash.

No. MC 142091, filed April 28, 1976. Applicant: BROOKDALE SHIPPERS, INC., 550 West 38th Street, New York, N.Y. 10018. Applicant's representative: John E. Fay, 630 Oakwood Avenue, West Hartford, Conn. 06110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between the John F. Kennedy Airport, located at Jamaica, N.Y., and New York, N.Y., under a continuing contract, or contracts, with Casual Conner.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn. or New York, N.Y.

No. MC 142094, filed May 4, 1976. Applicant: PACKAGING MATERIALS TRANSPORTATION COMPANY, a Corporation, 2500 Middlefield Road, Redwood City, Calif. 94063. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Expanded plastic packaging materials*, (a) from Newark, Del. to points in Connecticut, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (b) from Thornton, Ill., to points in Connecticut, Delaware, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Wisconsin, and the District of Columbia; and (c) from South San Francisco and Redwood City, Calif., to points in Arizona, Nevada, Oregon, and Washington; and (2) *materials, equipment and supplies*, used or useful in the manufacture and sale of expended plastic articles, (a) from points in Connecticut, Illinois, Maryland, Massachusetts, New Jersey, New York, Pennsylsylvania, and Rhode Island, to Newark, Del.; (b) from points in Delaware Indiana, Michigan, Minnesota, Ohio and Wisconsin, to Thornton, Ill.; and (c) from points in Arizona, Nevada, Oregon, and Washington, to South San Francisco and Redwood City, Calif., restricted to a transportation service to be performed under a continuing contract, or contracts, with Free-flow Packaging Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

PASSENGER APPLICATIONS

No. MC 107815 (Sub-No. 8), filed May 20, 1976. Applicant: IOWA COACHES, INCORPORATED, 1180 East Roosevelt Extension, Dubuque, Iowa 52001. Applicant's representative: Steven C. Schoenebaum, 1200 Register & Tribune Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special, round trip, sightseeing and pleasure tour operations, beginning and ending at Dubuque, Farley, Dyersville, Manchester, Independence, Waterloo, Cedar Falls, Ackley, Iowa Falls, Webster City, Fort Dodge, Storm Lake, Sac City, Rockwell City, Cherokee, Le Mars, Sioux City, Elkader, Strawberry Point, McGregor, and Cedar Rapids, Iowa, and Prairie du Chien, Wis., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, St. Paul, Minn., or Kansas City, Mo.

No. MC 124935 (Sub-No. 8), filed May 20, 1976. Applicant: ALMEIDA BUS LINES, INC., 1091 Kempton Street, P.O. Box B-954, New Bedford, Mass. 02741. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, beginning and ending at New Bedford, Wareham, Bourne, Hyannis, Falmouth, Fall River, Taunton, and Brockton, Mass., and extending to the Newport Jai-Alai Sports Theatre, located at Newport, R.I.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 129005 (Sub-No. 1), filed May 17, 1976. Applicant: WILLIAM H. HOGLE, Black Point Road, Ticonderoga, N.Y. 12883. Applicant's representative: W. Norman Charles, 80 Bay Street, Glens Falls, N.Y. 12801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at Crown Point, Moriah, Ticonderoga, and Westport, N.Y., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Albany or Glens Falls, N.Y.

No. MC 141772 (Amendment), filed February 9, 1976, published in the FEDERAL REGISTER issue of March 25, 1976, republished as amended this issue. Applicant: A-1 LIVERY SERVICE, INC., 256 Stillwater Avenue, Stamford, Conn. 06905. Applicant's representative: Louis P. Pittocco, 100 Greenwich Avenue, Greenwich, Conn. 06830. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle as passengers, beginning and ending in Fairfield County, Conn. and extending to points in Queens, Jamaica, and Manhattan, N.Y., and the Newark Airport, under a continuing contract or contracts with John Blair & Company, Bangor Punta Corporation and Exxon Corporation.

NOTE.—The purpose of this republication is to include two additional contracting shippers and amend the requested authority. If a hearing is deemed necessary, applicant requests it be held at either Hartford, Conn., Providence, R.I., or New York, N.Y.

No. MC 142090, filed May 7, 1976. Applicant: TOURS EXCEPTIONALE, INC., Route 1, Box 724K, Excelsior, Minn. 55331. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mentally retarded passengers and attendants therefor, and their baggage*, in round trip charter and special operations, beginning and ending at points in Minnesota, and extending to points in the United States (except Alaska and Hawaii), restricted to the transportation of not more than 10 passengers in any one vehicle (not including the driver thereof).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 142093, filed May 5, 1976. Applicant: HOMER F. SHORT AND WILLIAM G. SPURLOCK, doing business as KINGSPORT LIMOUSINE SERVICE,

1728 N. Eastman Road, Kingsport, Tenn. 37660. Applicant's representative: R. Cameron Rollins, 321 E. Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, and *passenger baggage*, in a separate vehicle, in special charter operations, between Tri-City Airport, located in Sullivan County, Tenn., on the one hand, and, on the other, points in Kentucky, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn. or Washington, D.C.

BROKER APPLICATIONS

No. MC 130382, filed May 17, 1976. Applicant: W. L. (BILL) DEUPREE AND VIRGINIA DEUPREE, doing business as, SHIP YOUR CAR, P.O. Box 603, Millbrae, Calif. 94030. Applicant's representative: W. L. (Bill) Deupree (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Millbrae and San Francisco, Calif., to sell or offer to sell the transportation by motor, rail and water carriers, of *motor vehicles, boats and trailers*, between points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 130387, filed May 7, 1976. Applicant: GROUP CHARTER & TOUR CONCEPTS, INC., 1 River Park Drive, Brick Town, N.J. 08723. Applicant's representative: Robert F. McErlean (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Brick Town, N.J., to sell or offer to sell the transportation of *Passengers and their baggage*, by bus in special or charter operations, beginning and ending at points in Monmouth, Ocean, and Atlantic Counties, N.J., and extending to points in Pennsylvania, New York, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, and Maine.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Trenton or Newark, N.J. or Philadelphia, Pa.

FREIGHT FORWARDER APPLICATIONS

No. FF-324 (Sub-No. 1), filed May 20, 1976. Applicant: IMPERIAL VAN LINES INTERNATIONAL, INC., 2805 Columbia Street, P.O. Box 2949, Torrance, Calif. 90503. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarded*, through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of (1) *Used household goods and unaccompanied baggage;* and (2) *used automobiles*, between points in the United States, including Hawaii and Alaska, restricted in (2) above to the transportation of export and import traffic.

NOTE.—Applicant states the purpose of this application is to add Alaska to its present authority. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. FF-481, filed April 29, 1976. Applicant: RAYMOND CURTIS BEARD, JR., 4221 West 9th, Amarillo, Tex. 79106. Applicant's representative: Raymond Curtis Beard, Jr., (same address as applicant). Authority sought to engage in operation, in interstate commerce, as a *freight forwarded*, through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of *General commodities* (except A & B explosives) moving in foreign commerce, between Amarillo, Tex. and points in the United States including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Amarillo or Lubbock, Tex.

No. FF-482, filed May 7, 1976. Applicant: MOBEL INTERNATIONAL, INC., 2165 5th Avenue South, St. Petersburg, Fla. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad, motor vehicle, water, and express, in the transportation of (a) *used household goods and unaccompanied baggage;* and (b) *used automobiles*, between points in the United States, including Hawaii but excluding Alaska, restricted in (b) above to the transportation of export and import traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Petersburg, Fla.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

No. MC-F-12834. Authority sought for merger by MONROE TRANSFER AND STORAGE CO., INC., 402 Rotary Street, Hampton, VA., 23361, of the operating rights and property of METRO VAN AND STORAGE CO., INC., 5345 Curlew Drive, Norfolk, VA., and for acquisition by J. C. Aspinwall, Jr., 13777 N. Central Expressway, Dallas, TX., of control of such rights and property through the transaction. Applicants' attorney: Stanley I. Goldman, 1700 K Street, N.W., Washington, D.C., 20006. Operating rights and property sought to be merged: *Used household goods*, as a *common carrier* over irregular routes between Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Virginia Beach, Va., and points in Nansemond and Northampton Counties, Va. Vendee is authorized to operate as a *common carrier* in Virginia. Application has not been filed for temporary authority under section 210a(b).

NOTE.—The two carriers are now commonly controlled: MC-129470 (Sub-No. 2) is a directly related matter.

MOTOR CARRIERS OF PASSENGERS

No. MC-F-12850. Authority sought for purchase by JACK RABBIT LINES, INC., 301 North Dakota Avenue, Sioux Falls, S.D. 57102, of the operating rights of MIDWEST COACHES, INC., 216 North 2nd Street, Mankato, MN. 56001, and for acquisition by the First National Bank in Sioux Falls, as trustee of the Lowell C. Hansen residuary trust established under will of Lowell C. Hansen, 112 South Phillips Avenue, Sioux Falls, S.D. 57102, of control of such rights through the purchase. Applicants' attorney: James R. Becker, Esq., May, Johnson & Burke, Attorneys, 412 West Ninth Street, Sioux Falls, S.D. 57104. Operating rights to be transferred: *Passengers and their baggage, and express*, as a *common carrier* over regular routes between Sioux City, Iowa, and Sioux Falls, S. Dak., serving the intermediate points of Westfield, Akron, Hawarden, and Inwood, Iowa, and Canton and Hudson, S. Dak., *Passengers and* their baggage, in special operations, as a common carrier over irregular routes beginning and ending in Sioux Falls, S. Dak. serving specified intermediate points incidental charter rights and extending to points in the United States (including Alaska but excluding Hawaii). Vendee is authorized to operate as a *common carrier* in all United States including Alaska but excluding Hawaii. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-12851. Authority sought for purchase by LONG'S EXPRESS, INC., 2006 Siminary Avenue, Richmond, VA., 23220, of the operating rights of SERVICE, TRANSPORT, INC., 2811 Fall Hill Avenue, Fredericksburg, VA., 22401, and for acquisition by KENNETH W. LONG, 2006 Siminary Avenue, Richmond, VA., 23220, of control of such rights through the purchase. Applicants' attorney: Francis W. McInerny, Suite 502 Solar Building, 1000 Sixteenth Street, N.W., Washington, D.C., 20036. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over irregular routes, between Fredericksburg, Va., on the one hand, and, on the other, Fort Belvoir, and Westmoreland State Camp, Va., and points and places in Virginia within 25 miles of Fredericksburg; between Fredericksburg, Va., on the one hand, and, on the other, points in Virginia with 35

miles of Fredericksburg; *General commodities with exceptions* as a *common carrier* over regular routes between Fredericksburg, Va., and Washington, D.C., serving all intermediate points, and the off-route points of Quantico, Occoquan, and Fort Belvoir, Va. Vendee is authorized to operate as a *common carrier* in Virginia. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-85413 Sub No. 12 is a directly related matter.

No. MC-F-12852. Authority sought for purchase by SUPERIOR MOTOR EXPRESS, INC., P.O. Box 98, Gold Hill, N.C. 28071 of the operating rights of EARNHARDT TRUCKING CO., Route 1, Box 3A, Rockwell, N.C. 28138, and for acquisition by HAYDEN E. EARNHARDT, 1815 E. Innis St., Salisbury, N.C. 28144 and WILLIAM EARNHARDT, Route 1, Gold Hill, N.C. 28071, of control of such rights through the purchase. Applicants' attorney: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. Operating rights sought to be transferred: *General commodities* with exceptions as a *common carrier* of irregular routes between Fairmont, N.C., and points in North Carolina within 50 miles of Fairmont, on the one hand, and, on the other, Wilmington, N.C., with restrictions: veneer and plywood, from Fairmont, N.C., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, South Carolina, Virginia, and the District of Columbia, and rejected or damaged shipments of the above-specified commodities from the above-specified destination points to Fairmont, N.C. Vendee is authorized to operate as a *common carrier* in all the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12853. Authority sought for purchase by CONSOLIDATED TRANSFER AND WAREHOUSE CO., INC., 1251 Taney, North Kansas City, MO., 64116, the operating rights of D & H TRUCKING, INC., 4240 South 33rd, Tulsa, OK., 74107, and for acquisition by R. L. WINSKY and F. M. CHIARELLI, both of the North Kansas City, MO., 64116 address, of control of such rights through the purchase. Applicants' attorney: John E. Jandera, 641 Harrison Street, Topeka, KS., 66603. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by products, and *machinery, materials, equipment,* and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of main or trunk pipe lines, as a common carrier over irregular routes between points in Texas, between points in Oklahoma, on the one hand, and, on the other, points in Texas: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery materials, equipment, and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Kansas and Oklahoma, between points in Kansas, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Louisiana, Missouri, Nebraska, New Mexico, Texas, and Wyoming; *Machinery equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Texas, between points in Oklahoma, on the one hand, and, on the other, points in Texas, between points in Kansas and Oklahoma, between points in Kansas, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Louisiana, Missouri, Nebraska, New Mexico, Texas, and Wyoming; from Tulsa, Okla., to points in Arkansas, with no transportation for compensation on return except as otherwise authorized and with restriction. Vendee is authorized to operate as a *common carrier* in Kansas, Oklahoma, Missouri, Texas, Arkansas, and Louisiana. Application has been filed for temporary authority under Section 210a(b).

No. MC-F-12854. Authority sought for purchase by LeROY K TRUCKING CO., INC., 130 Third Street, Brooklyn, N.Y., 11231, of a portion of the operating rights of C & C TRUCKING CO., INC., Foot of Main Street (no street number), Village of Tarrytown, N.Y., 10591, and for acquisition by MARTIN H. MICHAEL, 130 Third Street, Brooklyn, N.Y. 11231, of control of such rights through the purchase. Applicants' attorney: Herbert Burstein, One World Trade Center, Suite 2373, New York, N.Y., 10048. Operating rights sought to be transferred: *General commodities,* except those items of unusual value, and except dangerous explosives, house goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, perishable commodities, those in bulk, and those requiring special equipment, over irregular routes as a *common carrier,* between points and places in Essex County, New Jersey, on the one hand, and on the other, points and places in Connecticut, west of the Connecticut River. Vendee is authorized to operate as a common carrier in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Delaware, Maine, Maryland, New Hampshire, Rhode Island, Vermont, and Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12855. Authority sought for purchase by JENSEN TRUCKING COMPANY, INC., Gothenburg, NB., 69138, of the operating rights of HIGHWAY TRANSPORTATION CO., Gothenburg, NB., 69138, and for acquisition by LONNIE JENSEN, and MARILYN JENSEN, both of P.O. Box 284, Gothenburg, NB., 69138, and of control of such rights through the purchase. Applicants' attorney: Frederick J. Coffman, P.O. Box 81849, Lincoln, NB., 68501. Operating rights south to be transferred: *Canned milk, crackers, and cookies,* as a *common carrier* over irregular routes, from Sioux City, Iowa, to Denver, Colo., serving the intermediate point of Sterling Colo., and the off-route points of Colorado Springs and Pueblo, Colo., *canned goods,* from Werner Colo., to Omaha, Nebr., serving the intermediate points of North Platte, Kearney, Grand Island, Columbus, Schuyler, and Fremont, Nebr., and the off-route points of Hastings and Lincoln, Nebr., from Nebraska City, Nebr., to Denver, Colo., serving the intermediate points of Plattsmouth and Omaha, Nebr. and Sterling, Colo., and the off-route points of Colorado Springs and Pueblo, Colo., *Flour,* from Denver, Colo., to Norfolk, Nebr. serving the intermediate points of Ogallala, North Platte, Kearney, Grand Island, and Columbus, Nebr., and the off-route point of Hastings, Nebr. Vendee is authorized to operate as a *common carrier* in Ark., Colo., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Mo., Mt., Nebr., North Dak., Oh., Okla., Pa., S. Dak., Tenn., Tex., Wyo., Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-12856. Authority sought for purchase by MINNESOTA-WISCONSIN TRUCK LINES, INC., 965 Eustis Street, St. Paul, MN., 55114, of the operating rights and property of WARD TRANSFER, INC., 1000 N.E. North Street, Anoka, MN., 55303, and for acquisition by ARTHUR A. McCUE, 965 Eustis Street, St. Paul, MN., 55114, of control of such rights and property through the purchase. Applicants' attorneys: William S. Rosen, 630 Osborn Building, St. Paul, MN., 55102 and Donald A. Morken, 1000 First National Bank Bldg., Minnesota, MN., 55402. Operating rights and property sought to be transferred: *General commodities* as a *common carrier* over regular routes between Anoka, Minnesota and St. Paul, Minnesota, serving the intermediate points of Minneapolis, Osseo, Robbinsdale, and Coon Creek, Minnesota, from Anoka over U.S. Highway 10 to St. Paul, and return over the same route. From Anoke over U.S. Highway 169 to Minneapolis, Minnesota, thence over city streets to St. Paul, and return over the same route. From Anoka over U.S. Highway 52 to St. Paul, and return over the same route. From Anoka over U.S. Highway 10 to junction East River Road, thence over East River Road to St. Paul, and return over the same route. Serving (1), points in the Minneapolis-St. Paul,

Minnesota Commercial Zone, as defined by the Commission, and also Chemolite (formerly Scotchlite), Minnesota, as intermediate or off-route points in connection with said carrier's authorized regular route operations to or from Minneapolis and St. Paul, restricted to the transportation of such commodities as said carrier is authorized to transport to or from Minneapolis or St. Paul over regular routes, and

(2) points in said commercial zone and Chemolite (Formerly Scotchlite), in lieu of Minneapolis and St. Paul, whichever is authorized to be served by said carrier over irregular routes, restricted to the transportation of such commodities as said carrier is authorized to transport to or from Minneapolis or St. Paul, over irregular routes; serving Brooklyn Park, Minnesota, as an intermediate point in connection with carrier's authorized regular route operations between St. Paul, Minnesota, and Anoka, Minnesota, over U.S. Highway 52, between Anoka, Minnesota and Ogilvie, Minnesota, serving all intermediate points and the off-route points of Nowthen and Cedar, Minnesota, with restrictions; *classes A and B explosives* (excepting traffic originating at or destined to Anoka, Minn.), between Anoka, Minn., and St. Paul, Minn., serving the intermediate points of Minneapolis, Osseo, Robbinsdale, and Coon Rapids, Minn., between Anoka, Minnesota and Ogilvie, Minnesota, serving all intermediate points, and serving the off-route points of Northen and Cedar, Minn.; Under a certificate of registration in MC–13079 (Sub No. 7), covering the transportation of freight, as a common carrier, in interstate commerce, within the State of Minnesota. Vendee is authorized to operate as a common carrier in Minnesota, North Dakota, South Dakota, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights applications are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR § 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 119642 (Sub-No. 4), filed April 26, 1976. Applicant: JANESVILLE AUTO TRANSPORT COMPANY, 1263 South Cherry Street, P.O. Box 959, Janesville, Wis. 53545. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks, chassis and buses*, in initial movements, in truckaway and driveaway service, from Janesville, Wis., to points in Illinois, Indiana, Iowa, the Upper Peninsula of Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin; (2) *Tractors* (except farm tractors and crawler or track type tractors), in initial movements, in truckaway and driveaway service, from Janesville, Wis., to points in Montana, Nebraska, North Dakota, and South Dakota; (3) *Automobiles, trucks, tractors* (except farm tractors and crawler or track type tractors), chassis, and buses, in secondary movements, in truckaway and driveaway service, between points in Illinois, Indiana, Iowa, and the Upper Peninsula of Michigan, Minnesota, Missouri, Montana, Nebraska, North Daokta, South Dakota, and Wisconsin.

(4) *Unfinished automobiles, trucks, and chassis*, in initial movements, in truckaway and driveaway service, From Janesville, Wis., to points in the Upper Peninsula of Michigan, Minnesota, Missouri, and Wisconsin, (5) *Unfinished automobiles, trucks, and chassis*, in secondary movements, in truckaway and driveaway service, Between points in Illinois, Indiana, Iowa, the Upper Peninsula of Michigan, Minnesota, Missouri, and Wisconsin; (6) *Automobile parts*, From Janesville, Wis., to points in Illinois, Indiana, and Iowa; (7) *Vehicle bodies, automobile parts* when accompanying vehicles with which to be used, and *automobile show paraphernalia and displays* (except display vehicles), Between points in Illinois, Indiana, Iowa, the Upper Peninsula of Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin; (8) *Automobiles, trucks, chassis, buses, and tractors* (except farm tractors and crawler or track type tractors), in initial movements, in truckaway and driveaway service, From Janesville, Wis., to points in Colorado, Idaho, Kansas, Wyoming and the Lower Peninsula of Michigan, (9) *Automobiles, trucks, tractors* (except farm tractors and crawler or track type tractors), chassis, and *buses*, in secondary movements, in truckaway and driveaway service, and *vehicle bodies, automobile parts* when accompanying vehicles with which to be used, and *automobile show paraphernalia and displays*, (a) Between points in Colorado, Idaho, Kansas, Wyoming, and the Lower Peninsula of Michigan; and (b) Between points in Colorado, Idaho, Kansas, Wyoming, and the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan;

(10) *Automobiles, trucks, and buses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway service (a) From the plant sites of the General Motors Corporation at Jackson County, Mo., to points in Minnesota, Wisconsin, Illinois, Iowa, and the Upper Peninsula of Michigan; and (b) From the plant sites of the General Motors Corporation Jackson County, Mo., to Janesville, Wis., restricted to the transportation of traffic moving through Janesville, Wis.; in (10)(a) above; (11) *Automobiles, trucks, and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway services, (a) From Flint and Lansing, Mich., to Janesville, Wis., (b) From Flint and Lansing, Mich., to points in Iowa, Minnesota, and Wisconsin, restricted in (11)(a) and (b) above to the transportation of traffic moving through Janesville, Wis., (12) *Automobiles, trucks, and buses*, as described in *Descriptions in motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway services, (a) From Pontiac, Mich., to points in Iowa, Minnesota, and Wisconsin; and (b) From Pontiac, Mich., to Janesville, Wis., restricted in (12)(a) above to the transportation of traffic moving through Janesville, Wis., and further restricted in (12)(b) above against the transportation of traffic from the plant site of the GMC Truck & Coach Division of General Motors Corporation in Pontiac, Mich.; (13) *Automobiles, trucks, chassis and buses*, in initial movements, in truckaway and driveaway service, From Janesville, Wis., to ponts in Kentucky and Tennessee; and returned shipments of such commodities from points in Kentucky and Tennessee to Janvesville, Wis., under a continuing contract, or contracts, in (1) through (13) above with General Motor Corporation.

NOTE.—The purpose of this application is to convert a Certificate of Public Convenience and Necessity to a Permit. This is a matter directly related to Section 5(2) finance proceeding in NO. MC–F–12809, published in the FEDERAL REGISTER issue of April 22, 1976. Applicant holds common carrier authority in NO. MC–134779 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Property (49 CFR § 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC-30504 (Deviation No. 13), TUCKER FREIGHT LINES, INC., P.O. Box 3144, South Bend, Ind. 46619, filed June 8, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Oklahoma City, Okla., over Interstate Highway 40 to junction Oklahoma Highway 99, thence over Oklahoma Highway 99 to junction Oklahoma Highway 1, thence over Oklahoma Highway 1 to junction Oklahoma Highway 7, thence over Oklahoma Highway 7 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Interstate Highway 35W, thence over Interstate Highway 35W to junction U.S. Highway 80, thence over U.S. Highway 80 to Dallas, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Oklahoma City, Okla., over U.S. Highway 62 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction U.S. Highway 75, thence over U.S. Highway 75 to Dallas, Tex., and return over the same route.

No. MC-61440 (Deviation No. 19), LEE WAY MOTOR FREIGHT, INC., P.O. Box 82488, Oklahoma City, Okla. 73108, filed June 8, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over U.S. Highway 175 to Jacksonville, Tex., thence over U.S. Highway 69 to Beaumont, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dallas, Tex., over U.S. Highway 75 to Houston, Tex., thence over U.S. Highway 90 to Beaumont, Tex., and return over the same route. Restriction: Operations over the above route are restricted against service between the off-route points of Daisetta, Hull, and Batson, Tex., on the one hand, and on the other, Houston, Tex.

No. MC-109533 (Deviation No. 12), OVERNITE TRANSPORTATION COMPANY, P.O. Box 1216, Richmond, Virginia 23209, filed June 4, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lynchburg, Va., over U.S. Highway 29 to junction Interstate Highway 66, thence over Interstate Highway 66 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction Interstate Highway 95, thence over Interstate Highway 95 to Baltimore, Md., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Lynchburg, Va., over U.S. Highway 460 to junction Virginia Highway 24, thence over Virginia Highway 24 to junction U.S. Highway 60, thence over U.S. Highway 60 to Richmond, Va., thence over Insterstate Highway 95 to Washington, D.C., thence over U.S. Highway 29 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., and return over the same route.

No. MC 30504 (Deviation No. 12), TUCKER FREIGHT LINES, INCORPORATED, P.O. Box 3144, South Bend, Ind. 46619, filed June 6, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* with certain exceptions, over a deviation route as follows: From junction of U.S. Highways 66 and 36, over U.S. Highway 36 to junction U.S. Highway 24, thence over U.S. Highway 24 to Kansas City, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction of U.S. Highway 66 and 36, over U.S. Highway 66 to junction U.S. Highway 40, thence over U.S. Highway 40 to Kansas City, Mo., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-17570 Filed 6-16-76;8:45 am]

[Notice No. 71]

ASSIGNMENT OF HEARINGS

JUNE 14, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F-12713, Campbell Sixty-Six Express, Inc.-Purchase (Portion) Transamerican Freight Lines, Inc. now assigned July 7, 1976, at St. Louis, Mo. is postponed to October 13, 1976 (8 days), at St. Louis, Mo. in a hearing room to be later designated.

MC 119792 (Sub 51), Chicago Southern Transportation Company now assigned July 28, 1976 (3 days), at New Orleans, Louisiana and MC 95540 (Sub 941), Watkins Motor Lines, Inc. also assigned July 28, 1976 (3 days), at New Orleans, Louisiana and will be held in the West Courtroom, Room 265, U.S. Court of Appeals, 600 Camp Street.

MC 141713, Vince Venuti, d.b.a. Vince's Service Center now assigned July 21, 1976 (3 days), at New Orleans, Louisiana and will be held in the West Courtroom, Room 265, U.S. Court of Appeals, 600 Camp Street.

MC 21455 (Sub-No. 39), Gene Mitchell Co., now assigned September 16, 1976, at Chicago, Ill. is canceled and application dismissed.

MC 141726 (Sub-No. 5), National Distributors, Inc., now assigned July 26, 1976, at San Francisco, Calif. is canceled and application dismissed.

MC-C 8831, Associated Truck Lines, Inc. ET AL V. Lyons Transportation Lines, Inc. ET AL, and MC 7166, MC 7166 Sub 17, Wilson Transportation Service, Inc., now being assigned July 21, 1976 for continued hearing at the Interstate Commerce Commission, Washington, D.C.

MC 135410 (Sub-No. 4), Courtney J. Munson d.b.a. Munson Trucking application dismissed.

I & S M 29049, General Increase, New York Movers Tariff Bureau Inc., Agent, now being assigned July 27, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139269 (Sub 7), C.P. Craska, Inc. now assigned July 12, 1976 (1 week), at New York, New York and will be held in Room F-2220, Federal Building, 26 Federal Plaza.

MC 133401 (Sub 11), Sherwood W. Hume d.b.a. Hume Equipment Company now assigned July 20, 1976 (2 days), at Buffalo, New York and will be held in Room 1117, Federal Building, 111 West Huron Street.

MC 134323 (Sub 79), Jay Lines, Inc. now assigned July 22, 1976 (2 days), at Buffalo, New York and will be held in Room 1117, Federal Building, 111 West Huron Street.

Ex Parte No. 317, In the Matter of Thomas A. Weir, now assigned July 19, 1976 (1 day), at Buffalo, New York, and will be held in Room 1117, Federal Building, 111 West Huron Street.

MC 136208 (Sub 4), Creager Trucking Co., Inc. now assigned July 7, 1976 (3 days), at Olympia, Washington and will be held in the Sixth Floor Conference Room, Highway-License Building, 12th & Washington Streets.

MC 124947 (Sub 45), Machinery Transports, Inc. now assigned July 13, 1976 (1 day), at Denver, Colorado and will be held in Room 158, U.S. Customs House, 721 19th Street.

MC 119777 (Sub 323), Ligon Specialized Hauler, Inc. now assigned July 14, 1976 (3 days), at Denver, Colorado and will be held in Room 158, U.S. Customs House, 721 19th Street.

MC 141497, Beattie & Sanger, Inc. now assigned July 19, 1976 (2 days), at Seattle, Washington and will be held in Room 514, Courtroom, Federal Building, 915 2nd Avenue.

MC-F 12623, Anderson Trucking Service, Inc.—Purchase (Portion)—Jenkins Truck Line, Inc. now assigned July 21, 1976 (3 days) at Seattle, Washington and will be held in Room 514, Courtroom, Federal Building, 915 2nd Avenue.

I & S M 29035, General Increase-Household Goods Carriers' Bureau, Agent, now being assigned July 13, 1976, at the Office of Interstate Commerce Commission, Washington, D.C.

No. 36352, Petroleum Crude Oil, Griffith, Ind., to New York State Points, now assigned July 13, 1976, at Washington, D.C. is postponed to July 26, 1976, at the offices of Interstate Commerce Commission, Washington, D.C.

MC 141703, Byko Motor Service, Inc., now being assigned September 16, 1976 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 140898, Kendrick Trucking Corp. now assigned July 13, 1976, at Louisville, Ky. will be held in Room 1052A, Federal Building, 600 Federal Place.

MC–C–8879, Bowman Transportation, Inc. et al. v. Central Motor Express, Inc. now assigned July 15, 1976 at Louisville, Ky. will be held in Room 1052A, Federal Building, 600 Federal Place.

MC 123048 (Sub-No. 331), Diamond Transportation System, Inc., now assigned July 19, 1976, at Louisville, Ky. will be held in Room 1052A, Federal Building, 600 Federal Place.

MC 83539 (Sub-No. 419), C & H Transportation Co., Inc., now assigned July 20, 1976, at Louisville, Ky. will be held in Room 1052A, Federal Building, 600 Federal Place.

MC 94430 (Sub-No. 37), Weiss Trucking Company, Inc., now assigned July 22, 1976, at Louisville, Ky. will be held in Room 1052A, Federal Building, 600 Federal Place.

MC–C–8959, Kraftours Corporation, DBA Kraftours and Allan S. Kraft, d.b.a. Universal Travel Service-Investigation of Operations and Revocation of Certificate License and MC 120781 (Sub-No. 5), Kraftours Corporation Extension Special Operations, now assigned July 26, 1976, at Kansas City, Mo. postponed to September 27, 1976 (1 week), at Kansas City, Mo. in a hearing room to be later designated.

MC 15401 (Sub 1), Storer Transportation Service, Inc. now assigned July 13, 1976 (4 days), at San Francisco, California and will be held in Room 13025, Federal Building, 450 Golden Gate Avenue.

MC 119295 (Sub 8), Ray E. Cagle, d.b.a. Cagle Bros. now assigned July 21, 1976 (3 days), at Phoenix, Arizona and will be held at the Arizona Cooperation Commission, Hearing Room 2, 2222 West Encante Boulevard.

MC 115826 (Sub 261), W. J. Digby, Inc. now assigned July 26, 1976 (2 days), at Denver, Colorado and will be held in Room 158, U.S. Customs House, 721 19th Street.

MC 52858 (Sub 114), Convoy Company now assigned July 28, 1976 (3 days), at Denver, Colorado and will be held in Room 158, U.S. Customs House, 721 19th Street.

MC 139495 (Sub 124), National Carriers, Inc. now assigned July 19, 1976 (2 days), at San Francisco, California and will be held in Room 13025, Federal Building, 450 Golden Gate Avenue.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76–17721 Filed 6–16–76;8:45 am]

[AB 6 (Sub-No. 37)]

BURLINGTON NORTHERN INC.

Abandonment Between Carlton and West Duluth in Carlton and St. Louis Counties, Minnesota

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Carlton and St. Louis Counties, Minn., on or before June 29, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

Dated at Washington, D.C., this 4th day of June, 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

The Interstate Commerce Commission hereby gives notice that by order dated June 4, 1976, it has been determined that the proposed abandonment by Burlington Northern Inc. of its line between Carlton and West Duluth, a distance of approximately 14.59 miles, all in Carlton and St. Louis Counties, Minn., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because the line has been out of service since August 22, 1972, due to extensive washouts and rock slides. No local traffic movements are involved. Previous overhead movements are being accomplished over alternate BN trackage without any significant air pollution, fuel consumption, safety, or noise effects. In addition, there are no significant community development, historic, or ecological effects involved.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before July 14, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.76–17723 Filed 6–16–76;8:45 am]

[AB 7 (Sub-No. 26)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment Between Bovill and Elk River, in Latah and Clearwater Counties, Idaho

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Latah and Clearwater Counties, Idaho, on or before June 29, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

Dated at Washington, D.C., this 4th day of June, 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

The Interstate Commerce Commission hereby gives notice that by order dated June 4, 1976, it has been determined that the proposed abandonment by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company of its branch line between Bovill and Elk River, a distance of 21.38 miles in Latah and Clearwater Counties, Id., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the diversion of rail traffic at the levels of recent years would not result in significant increases in energy consump-

tion, highway congestion, air and water pollution, or noise intrusions in the area of the proposed abandonment. Appreciable impacts upon local wildlife, public safety, and sites of historic and archeological significance would not be anticipated.

The town of Elk River has undertaken some preliminary planning, but such plans do not demonstrate a dependence on the subject line. There are no plans for the subject area with which the proposed abandonment would conflict, and a serious adverse impact upon rural and community development would not be expected to result.

The right-of-way between Bovill and Elk River is suitable for public recreational use, particularly for snowmobiling and cross-country skiing. The State Parks Commission would coordinate with the two subject counties in establishing such a trail.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before July 14, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–17724 Filed 6–16–76;8:45 am]

[Finance Docket No. 26648]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Sacton and Holstein, Sac and Ida Counties, Iowa

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Sac and Ida Counties, Iowa, on or before June 29, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

Dated at Washington, D.C., this 4th day of June, 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated June 4, 1976, it has been determined that the proposed abandonment by the Chicago and North Western Transportation Company (C&NW) of its line of railroad between Sacton and Holstein, Iowa, a distance of 44.38 miles, all in Sac and Ida Counties, Iowa if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2) (C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because the traffic volume on the line is low and the amount of traffic permanently diverted to motor carriers is not expected to create any substantial alteration in existing air quality, noise and fuel consumption.

No definitive economic projects or land use plans have been identified in the region which are predicated upon the continued operations of the subject line. While the subject abandonment may cause a change in future transportation patterns, the movement of grain and other agricultural commodities from this region is not expected to be precluded. Alternative rail service will still be provided at Sacton and Sac City and several highways exist which are adequate to handle any resultant traffic diversion. Abandonment is not expected to have a serious adverse effect upon rural and community development.

As a result of the lack of interest in state acquisition of the right-of-way for recreational use and the status of ownership of the land corridor, the subject right-of-way upon abandonment would not be suitable for public use.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before July 14, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.76–17726 Filed 6–16–76;8:45 am]

[AB 46 (Sub-No. 11)]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Abandonment of Trackage Rights—Over Missouri Pacific Railroad and Texas & Pacific Railway Between Lamourie and Alexandria; Abandonment of Line Between Eunice and Lamourie; and Abandonment of Operation Between Eunice and Alexandria, Louisiana

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Rapides, Evangeline and St. Landry Parishes, La., on or before June 29, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 4th day of June 1976.

By the Commision, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated June 4, 1976, it has been determined that the proposed abandonment by the Chicago, Rock Island and Pacific Railroad Company between Alexandria and Eunice, La., a distance of 57.2 miles in Rapides, Evangeline and St. Landry Parishes, La., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2) (C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because (1) diversion of traffic presently handled on the subject line to motor carrier will increase fuel consumption by an insignificant amount when compared to statewide consumption, (2) air and noise quality degradation and safety effects resulting from increased use of motor carrier are considered negligible, (3) there are no historic or archeological sites involved in the action, (4) potential effects on the only endangered species thought to occur in the area, alligators, can be avoided by scheduling salvage activities during their period of hibernation, and (5) there are no definitive local development plans dependent on continued service over the subject line.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before July 14, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.76-17722 Filed 6-16-76;8:45 am]

[Notice No. 275]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b); 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30-days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC 76557 filed May 3, 1976. Transferee: Fairside Trucking, Inc., 7 Chilton Road, Brockton, Massachusetts 02401. Transferor: C. P. Burrill, Inc., 360 Pearl Street, Brockton, Massachusetts 02401. Applicant's representative: Francis E. Barrett, Jr., Esq., 10 Industrial Park Road, Hingham, Massachusetts 02043. Authority sought for purchase by transferee of the operating rights as set forth in Certificates No. MC-73648, issued July 6, 1955, and No. MC-73648 (Sub-No. 10) issued December 13, 1956, as follows: wood piling; telephone and power line poles, cross arms, and cables; equipment, materials, and supplies used in the construction or maintenance of telephone lines or plants; and such salvage and scrap materials as are removed from telephone lines or plants from, to, or between points in Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, and Maine. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 120171 and subs thereafter. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC 76576 filed May 6, 1976. Transferee: Huntley Trucking Company, Route 1, New Plymouth, Ohio 45654. Transferor: Ralph Emerson, doing business as, Emerson Bros, 709 Wyandotte Avenue, Logan, Ohio 43138. Applicant's representative: A. Charles Tell, Esq., 100 East Broad Street, Columbus, Ohio 43215. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC 99969 (Sub-No. 1), issued June 22, 1965, as follows: General commodities from and to Haydenville, Ohio; unfinished lumber from and to any point in Vinton County, Ohio; coal, clay, and clay products from and to all points in Hocking County within 10 miles of the village limits of Haydenville, all restricted against the transportation of hardware and groceries. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a (b).

No. MC-FC-76596, filed June 6, 1976. Transferee: KERMIC SMITH AND CLARENCE JOSEPH HEBERT, JR., Doing business as GOLDEN TRIANGLE TRUCKING COMPANY, 1131 S. Memorial Drive, Nederland, Texas 77627. Transferor: MARTIN FLEET EQUIPMENT, INC., Doing business as N. J. ARABIE TRUCKING SERVICE, 2970 Blanchette Street, Beaumont, Texas 77701. Applicants' attorney: Austin L. Hatchell, 1102 Perry Brook Building, Austin, Texas 78701. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC-138270 (Sub-No. 2), issued April 22, 1975, as follows: Gravel, in bulk, from Longville, La., to Beaumont, Orange, Port Arthur, and Vidor, Tex. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76606, filed June 8, 1976. Transferee: Edith R. Yucha, doing business as J. J. Yucha Trucking, 17 Scott Street, Tidioute, Pa. 16351. Transferor: Joseph J. Yucha, (Edith R. Yucha, Executrix), 17 Scott Street, Tidioute, Pa. 16351. Applicants' representative: Joseph A. Massa, Jr., Attorney-at-Law, 702 Penn Bank Bldg., Warren, Pa. 16365. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 83335, issued November 28, 1956, as follows: Bricks, wooden articles, lime and fertilizer, from specified points in Pennsylvania and New York, to specified points and places in New York and Pennsylvania. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC 76609, filed May 27, 1976. Transferee: Tank Lines, Inc., 1325 Diamond Springs Road, Virginia Beach, Virginia 23455. Transferor: L. R. Capshaw, Inc., (Larry Wise, Receiver in Bankruptcy), 4920 Southern Boulevard, Virginia Beach, Virginia 23462. Applicant's representative: John C. Bradley, Esq., 618 Perpetual Building, 1111 E Street, N.W., Washington, D.C. 20004. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 139680, issued October 1, 1974, as follows: Fertilizer and fertilizer materials from Norfolk, Va. and points within 10 miles of Norfolk, to Pendleton, N.C. and points in North Carolina within 150 miles of Pendleton, N.C.; and fertilizer from Norfolk, Va. to Edenton, N.C. and points within 150 miles of Edenton. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-17720 Filed 6-16-76;8:45 am]

[AB 26 (Sub-No. 7)]

SOUTHERN RAILWAY CO.

Abandonment Between Lockhart Junction and Lockhart, in Union County, South Carolina

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action sig-

nificantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Union County, S.C., on or before June 29, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 4th day of June, 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated June 4, 1976, it has been determined that the proposed abandonment by the Southern Railway Company of a line of railroad between Lockhart Junction and Lockhart, a distance of 13.64 miles, in Union County, S.C., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that diversion of current rail traffic will not result in a significant increase in energy consumption, highway traffic, or air pollution. As there are no definite indications of developmental activities which relate to the rail line, abandonment is not expected to have a serious adverse impact on rural community development.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before July 14, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.76-17725 Filed 6-16-76;8:45 am]

federal register

THURSDAY, JUNE 17, 1976

PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

PRIVACY RIGHTS OF PARENTS AND STUDENTS

Final Rule on Education Records

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

PART 99—PRIVACY RIGHTS OF PARENTS AND STUDENTS

Final Rule on Education Records

Notice of proposed rulemaking was published in the FEDERAL REGISTER on January 6, 1975 at 40 FR 1208 setting forth the requirements to be met by an educational agency or institution to protect the privacy of parents and students under section 438 of the General Education Provisions Act, as amended (added by section 513 of Pub. L. 93–380 and amended by section 2 of Pub. L. 93–568).

Three hundred and twenty-one letters of comment were received during the 60-day public comment period which closed on March 7, 1975. All comments were given consideration during the revision of the regulations, the first segment of which was published in final form on March 2, 1976 at 41 FR 9026. This document supersedes the previously published final regulation. The revoked regulation has been incorporated for republication at subparts A (Sections 99.2 and .3), C (Sections 99.21–23), and D (Sections 99.31 and .36) of this document, in order to provide the public with a single document containing all regulatory provisions pertaining to the Family Educational Rights and Privacy Act.

While the Department unquestionably supports the purpose of the law—to provide greater privacy safeguards to parents and students through the application of fair information practice—during the course of developing this final regulation it became evident that translating this intent into practice might create a number of problems. For our part, there was a conscious effort to mitigate any disclocating effects which the regulation might have and, at the same time, remain consistent with the statute.

We believe that some working experience with this regulation will be helpful to the Department in determining whether there is a need to modify this regulation or whether a recommendation for legislative change may be either necessary or appropriate.

As a result, the regulation is being issued in final form, effective upon publication, with the commitment that comments on the regulation and its operation, including its effect on the day-to-day activities of educational agencies and institutions during the 1976–77 school year, will be formally invited for a ninety-day period commencing July 1, 1977. These comments will be used in evaluating this regulation and will be shared with the Congress, as may be necessary, in order to improve the effects and effectiveness of the regulation and the statute upon which it is based.

In addition to welcoming comments on the substance of these regulations, the Department will also solicit public comment regarding the most appropriate means of enforcing the provisions of the Act. Regarding the means of enforcement available to the Department, while educational agencies and institutions are accountable for Federal funds they receive and must act in conformity with Federal law, the practice of using the expenditure of Federal funds as leverage may not be the most effective way to accomplish the objectives of this statute. We would be interested in your views as to whether other more appropriate means of enforcement than institutional funds cutoff are or should be available.

ANALYSIS OF EARLIER COMMENTS

A summary of the major comments received follows in order of the sections numbered as in the final regulations. Each summary of comments is followed by a response which indicates whether or not a change has been made in the regulations. Technical changes, such as the renumbering of sections, are listed under other changes at the end of each section or subpart.

SUBPART A—GENERAL

1. Section 99.1 *Applicability of part.*

Comment. A commenter suggested that the determination as to whether or not an educational agency or institution would be required to comply with section 438 of the Act and this part should be based on the actual receipt of funds and not on whether funds have been made available under an applicable program.

Response. Sections 438 (a) (1) (A), (a) (2), (b) (1), and (b) (2) state that "No funds shall be made available under any applicable program to any educational agency or institution. * * *"; therefore, no change has been made in the regulations. However, the term "available" should be read in this context as referring to funds which have been obligated by the U.S. Commissioner of Education.

Comment. Several commenters indicated that it would be helpful to have a list of Federal programs administered by the U.S. Commissioner of Education. One commenter suggested that the list of programs be published as a part of the regulations.

Response. It was determined that it would not be feasible to publish a list of Federal programs administered by the Commissioner as a part of the regulations because any such list would be subject to change and tends to become out-of-date soon after it is published.

A list of programs administered by the Commissioner as of March 1975 was published at 40 FR 10503–5 (March 6, 1975) and is available as a reprint from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

Comment. Several commenters indicated they felt that if an educational agency or institution or students in attendance at the educational agency or institution received funds under any Federal program, the agency or institution should be required to comply with section 438 of the Act and this part.

Response. The statutory language limits its coverage to educational agencies and institutions to which funds are made available under programs administered by the U.S. Commissioner of Education. Section 438 was an amendment to Part C of the General Education Provisions Act, as amended. Section 421 of Part C states that:

> The provisions of this part shall apply to any program for which the Commissioner has administrative responsibility, as specified by law or by delegation of authority pursuant to law.

In addition, the *Joint Statement in Explanation of Buckley/Pell Amendment* (*Congressional Record* at S. 21488, daily edition, December 13, 1974) stated in part:

> * * * by explicitly limiting the definition to those institutions participating in applicable programs, the amendment makes it clear that the Family Educational Rights and Privacy Act applies only to Office of Education programs and those programs delegated to the Commissioner of Education for administration * * * there has been some question as to whether the amendment's provisions should be applied to other HEW education-related programs such as Headstart or the educational research programs of the National Institute of Education. As rewritten, the limited nature of the Act's coverage should be clear.

Comment. A commenter asked if an educational agency or institution would be required to comply with Section 438 of the Act and this part if students in attendance at the agency or institution received funds under an applicable program administered by the Commissioner, such as the Basic Educational Opportunity Grant program, the Direct Student Loan program, or the Supplemental Educational Opportunity Grant program.

Response. Section 99.1, as revised, makes it clear that Section 438 applies to an agency or institution which either receives funds directly from the Office of Education, or which has students in attendance who receive funds from the Office of Education. For example, Section 438 would apply to an agency or institution which receives funds under the College Work-Study program, the Supplemental Opportunity Grants program, or the National Direct Student Loan program, or which has students who receive funds under the Basic Educational Opportunity Grant program or the guaranteed Student Loan program.

2. Section 99.3 *Definitions.*

Comment. Several commenters asked for clarification as to whether directory information included only the enumerated information, or if additional information could be designated as directory information.

Response. The definition of directory information has been modified to conform with the statutory definition; that is, that it "includes" the enumerated information. For guidance as to what further information could be included, the phrase "* * * and other similar information" has been added to the definition.

Comment. Several commenters recommended that the definition of education records be changed. The single suggestion most often made was that the term "school records" be used in place of "education records," and that school records

and non-school records be defined by their origin.

Response. Section 438(a)(4)(A) defines education records as "* * * those records, files, documents, and other materials which * * * contain information directly related to a student; and * * * are maintained by an educational agency or institution, or by a person acting for such agency or institution." Section 438(a)(4)(B)(i) through (iv) list those records which are not considered to be education records if conditions are adhered to by an educational agency or institution in the maintenance of the records. The statute does not provide for a differentiation between records maintained by an educational agency or institution based on the origin of those records.

Comment. Several commenters asked for clarification regarding what was meant by "institutional" in the definition of education records at section 438(a)(4)(B)(i).

Response. The word "institutional" appeared incorrectly in the copy of section 438 of the Act reprinted as a part of the proposed rules. The correct word was "instructional". The phrase at section 438(a)(4)(B)(i) should have stated "* * * records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto. * * *

Comment. Several commenters asked that the term "substitute" used in the definition of education records be defined.

Response. The term "substitute" in the definition of education records has been defined as "* * * an individual who performs on a temporary basis the duties of the individual who made the record, and does not refer to an individual who permanently succeeds the maker of the record in his or her position."

Comment. Several commenters asked for clarification as to what was meant by "same jurisdiction" in the definition of education records at section 438(a)(4)(B)(ii).

Response. Since the meaning may vary under applicable State law and factual situation, no attempt has been made to define by regulation the term "same jurisdiction."

Comment. Several commenters asked that the term "financial aid" be defined in the regulations.

Response. A definition of "financial aid" has been included. The definition states "a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) which is conditioned on the individual's attendance at an educational agency or institution."

Comment. Several commenters asked for clarification regarding who could exercise parental rights and responsibilities on behalf of a student. Particular concern was expressed about whether a foster parent or other individual could act on behalf of a student.

Response. The definition of "parent" has been modified to include, in some instances, an individual who may not be the legal guardian of a student. The definition as revised states " 'Parent' includes a parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian." An educational agency or institution may presume the parent has the authority to exercise the rights inherent in the Act unless the agency or institution has been provided with evidence that a State law, a court decree, or a legally binding instrument provides to the contrary.

Comment. A commenter suggested that an exception to the definition of "education records" be added for non-academic records kept by seminaries. The commenter indicated that seminaries and schools or departments of divinity or theology which are part of a college or university may maintain records on candidates for the priesthood or ministry, rabbinite, or religious orders. These records contain information on the spiritual and psychological development of such persons, and pertain to their suitability for the ministry, rabbinate or religious order, rather than to their educational performance. The commenter argued that the requirements of the Act should not apply to such records. Additionally, the commenter stated that the regulations should "exclude the application of the law when grants to the university comlex do not aid the seminary."

Response. As is made clear in the definitions of "education records", "student", and "educational agency or institution" contained in the Act, section 438 applies generally to all records directly relating to a student which are maintained by any part of an educational agency or institution which receives funds from programs for which the Commissioner has administrative responsibility. However, whether section 438 covers the type of record described by the commenter, or applies to the record-keeping policies of schools of divinity or theology which are part of an educational institution, may involve complex constitutional questions and interpretations of Supreme Court decisions. For this reason, such issues will be considered closely on a case-by-case basis as they arise, but will not at this time be addressed by regulation.

Comment. Several commenters asked if the definition of a student was intended to include or exclude certain individuals, such as former students.

Response. A new definition of student is provided which adopts much of the language used in section 438(a)(6). The definition states " 'Student' * * * includes any individual with respect to whom an educational agency or institution maintains education records."

Other Changes. A definition has been added for "disclosure." The terms "access" and "release" previously used to distinguish between disclosure to a parent or student and disclosure to a third party, respectively, generated confusion easily avoided by the use of the new single term to cover both situations.

The definition of "office and review board" has been deleted because the functions are explained under Subpart E—Enforcement.

The definition of "panel" has been modified in order to avoid any confusion between a panel and the review board. A panel is a subunit of the review board designated to conduct a hearing.

3. Section 99.4 *Student rights.*

Comment. Several commenters indicated they felt that parents had a right to receive information pertaining to their son or daughter, particularly grade reports, even if their son or daughter was eighteen years of age and attending an institution of postsecondary education, since in many cases the parents were paying for the postsecondary education of their son or daughter.

Response. Section 438(d) states that:

> * * * whenever a student has attained eighteen years of age, or is attending an institution of postsecondary education the permission or consent required of and the rights accorded to the parents of the students shall thereafter *only* be required of and accorded to the student. (Emphasis added.)

Since this is a right provided by statute no change has been made in the regulations. An institution of postsecondary education is permitted by section 438 of the Act and this part to disclose information pertaining to an eligible student to the parents of the eligible student with the prior written consent of the eligible student or without the prior written consent of the eligible student if that student is a dependent as defined under section 152 of the Internal Revenue Code of 1954.

Comment. Three commenters suggested that there was an apparent conflict between sections 99.4(a) and 99.30(h) of the proposed rules (99.30(h) has been renumbered section 99.31(a)(8)) and asked for clarification.

Response. A new section 99.4(b) has been added to provide clarification and section 99.4(b) of the proposed rules has been redesignated section 99.4(c). Section 99.31(a)(8) permits, but does not require, an institution of postsecondary education to disclose information contained in the education records of an eligible student to the parents of the eligible student if that eligible student is a dependent as defined under section 152 of the Internal Revenue Code of 1954. Section 99.4(b) states that the status of an eligible student as a dependent of his or her parents for purposes of section 99.31(a)(8) does not otherwise affect his or her rights under section 438 of the Act and this part.

4. Section 99.5 *Formulation of institutional policy and procedures.*

Comment. Several commenters indicated they felt that the notice requirement under section 99.5 of the proposed rules was too burdensome. The commenters, in most cases, did not object to the requirement that notice be provided to parents of students or eligible students, but they did object to the effect of the inclusion of certain items in the no-

tice under section 99.5(b) on the size of the document.

Response. The amount of information required to be given to parents of students and eligible students for annual notification purposes under section 99.5 of the proposed rules has been reduced. A new section 99.6 *Annual notification of rights* has been added to the regulations.

Comment. A commenter stated that a basic requirement of the regulations should be that each educational agency or institution adopt a policy which is consistent with the requirements of section 438 of the Act and this part. The commenter pointed out that sections 438 (a)(1)(A), (b)(1) and (b)(2) contain explicit references to an educational agency or institution being required to adopt policies, and that sections 438 (a)(2), (a)(5)(B), (b)(4)(A), and (e) contain implicit references to the need for an educational agency or institution to adopt policies.

Response. New section 99.5 *Formulation of Institutional policy and procedures* requires that each educational agency or institution formulate and adopt a policy consistent with the minimum requirements of section 438 of the Act and this part. The policy is to be in writing, and copies are to be made available upon request to parents of students or eligible students.

Comment. Several commenters indicated that the requirement under section 99.5(c) of the proposed rules that an educational agency or institution provide the required notification in the language of the parents of a student or an eligible student was, in many cases, inappropriate. Institutions of postsecondary education pointed out that since proficiency in the English language is a condition for admission to postsecondary institutions in the United States the requirement to provide notification to an eligible student in his or her language made little or no sense.

Response. The requirement in section 99.5(c) of the proposed rules has been modified. New section 99.6(b) requires that each agency or institution of elementary and secondary education, when developing a policy of informing parents of students of their rights, provide for the need to effectively notify parents identified as having a primary or home language other than English. The requirement that an institution of postsecondary education provide notification in the language of the eligible student has been deleted from the regulations.

Comment. Several commenters indicated they felt that the requirements in section 99.5(b) of the proposed rules were excessive. The commenters were particularly concerned about the requirement that an educational agency or institution publish the name of the official who has been designated as responsible for each type of education record. They pointed out that the name was likely to change because different individuals would be appointed over a period of time. The commenters also expressed concern about attempting to list the persons who would have access to education records. They stated that it would be difficult, in advance, to specify all of the individuals who might have a need for access to education records.

Response. The requirement in section 99.5(b) of the proposed rules regarding the official who has been designated by the educational agency or institution as responsible for each type of record has been modified. New section 99.5(a)(2)(iv) requires that the policy adopted by an educational agency or institution of informing parents of students or eligible students of the types of education records maintained by the agency or institution specify the title and address of the individual who has been designated as responsible for each type of record. The requirement to specify the name of the individual has been deleted from the regulations.

The requirement in section 99.5(b) of the proposed rules regarding the listing of persons who have access to education records has been deleted from the regulations. New section 99.5(a)(3) requires that the policy adopted by an educational agency or institution includes a specification of the criteria that the agency or institution will use for determining which parties are "school officials" and what is considered to be a "legitimate educational interest."

5. Section 99.6 *Annual notification of rights and policy.*

Comment. Several commenters asked for clarification regarding the means to be used by an educational agency or institution to provide the notification required by section 99.5(a) of the proposed rules. The specific question most often asked was whether notification must be provided on an individual basis to parents of students or to eligible students, or whether the notification could be published in a student handbook, school catalog, or student newspaper, or posted on bulletin boards at the school. Two commenters indicated that it was unclear as to whether notification was to be provided to former students as well as to students currently in attendance at an educational agency or institution.

Response. New section 99.6 states that the annual notification of rights and policy shall be "* * * by such means as are reasonably likely to inform parents or eligible students. * * *" The determination as to the actual means to be used is to made by each educational agency or institution. Some agencies and institutions may decide to provide notification on an individual basis; others may decide to publish the notification in a student handbook, school catalog, or student newspaper, or to post it on bulletin boards at the school. It was felt that the regulations should specify the criteria to be used in selecting a means of notification, but not the actual means of notification since the means may vary from agency to agency and institution to institution. In addition, new section 99.6 states that the notification is to be provided to parents of students in attendance or to eligible students in attendance at an educational agency or institution; therefore, making it clear that the notification of rights and policy need not be provided to former students or their parents.

Comment. Several commenters indicated they felt that the requirement for an educational agency or institution to provide notification on an annual basis was excessive. One commenter suggested that notification should be provided on a one-time basis at the time that a student enrolled in the educational agency or insitution.

Response. It was determined that the requirement for an educational agency or institution to provide notification on an annual basis was not excessive. Educational agencies and institutions generally issue or distribute student handbooks or school catalogs at the first of each school year. The notification could, in many instances, be a part of a handbook or catalog. Institutions of elementary and secondary education often send letters or distribute bulletins to parents of students at the start of each school year in order to inform them of the school's policies. The notification could, in these instances, be included in the letters or bulletins. It was felt that notification on a one-time basis at the time that a student enrolled in an educational agency or institution was not sufficient to inform parents of students or eligible students of their rights. No change has been made in the requirement.

Comment. Several commenters stated they felt that the requirement under section 99.5(b)(1) of the proposed rules to provide notification to parents of students or to eligible students as to the types of education records maintained by the educational agency or institution was excessive in that it was not specifically required by section 438 of the Act.

Response. New section 99.6(a) states that each educational agency shall provide notification to parents of students or eligible students which is reasonably likely to inform them of their rights under the Act and this part. As was previously stated in the comment section which followed section 99.5 of the proposed rules, it was determined that it was essential to require that each educational agency or institution identify the types of education records maintained by it, so that parents of students or eligible student would be able to decide which education records they wished to inspect and review. A similar, but less burdensome listing of the information required by section 99.5(b)(1) of the proposed rules is required under new section 99.5(a)(2)(iv) to be included in the policy and procedures of the educational agency or institution.

Comment. A commenter recommended that each educational agency or institution be required to inform parents of students or eligible students of the right to file a complaint with the Department of Health, Education, and Welfare concerning an alleged failure by the agency or

institution to comply with section 438 of the Act and this part.

Response. The right to file a complaint with the Department of Health, Education, and Welfare concerning an alleged failure by an educational agency or institution to comply with section 438 of the Act is one of the rights which parents of students or eligible students must be informed of under section 438(e).

6. Section 99.7 *Limitation on waivers.*

Comment. A commenter asked for clarification regarding whether or not an eligible student was permitted to waive the right to inspect and review information, other than confidential letters and statements of recommendation, contained in his or her education records.

Response. Section 438(a)(1)(C) states that "A student or person applying for admission may waive his right of access to confidential statements described in clause (iii) of subparagraph (B). * * *" The confidential recommendations described in section 438(a)(1)(B)(iii) are of three types "* * * respecting admission to any educational agency or institution * * * respecting an application for employment, and * * * respecting the receipt of an honor or honorary recognition." The *Joint Statement in Explanation of Buckley/Pell Amendment* (*Congressional Record*, at S. 21489, daily edition, December 13, 1974) states in part, "And students may waive their right of access to confidential recommendations in three areas—admissions, job placement, and receipt of awards." The statutory language, in light of the joint statement, would not preclude an eligible student from waiving his or her right to inspect and review; however, an educational agency or institution may not require that any right accorded by the Act be waived.

Comment. Several commenters asked if there was any limit on the period of time which a waiver could be considered to be in effect, and if a waiver provided by an eligible student could be revoked by that student at a later time.

Response. Nothing in section 438 of the Act, or this part sets any limit on the period of time that a waiver shall be considered to be in effect. An eligible student may waive his or her right to inspect and review a confidential letter or statement of recommendation provided by a specific individual, or confidential letters and statements of recommendation provided for a specific purpose. The waiver will be considered to be in effect as long as the letters or statements of recommendation are maintained in the education records of the student. If an eligible student waives his or her right to inspect and review a specific class of letters and statements of recommendation, such as recommendations respecting employment, and later decides to revoke that waiver, the student would be able to inspect only those letters and statements of recommendation respecting employment which were placed in his or her education records after the date that the waiver was revoked.

Comment. A commenter asked what would happen if an eligible student had waived his or her right to inspect and review confidential letters and statements of recommendation provided for a specific purpose if these letters and statements were subsequently used for a different purpose.

Response. Section 438(a)(1)(C) states that "* * * [a] waiver shall apply only if * * * such recommendations are used solely for the purpose for which they were specifically intended." If an eligible student has waived his or her right to inspect and review confidential letters and statements of recommendation provided for a specific purpose, and these letters and statements of recommendation are subsequently used for a different purpose, the waiver would be considered void, and the eligible student would have the right to inspect and review the letters and statements of recommendation.

Other Changes. Section 99.6 of the proposed rules has been renumbered section 99.7.

7. Section 99.8 *Fees.*

Comment. Several commenters asked if an educational agency or institution could charge a fee for copies of education records.

Response. New section 99.8 states that an educational agency or institution may charge a reasonable fee for copies of education records which are made for parents of students, students, or eligible students.

SUBPART B—INSPECTION AND REVIEW OF EDUCATION RECORDS

8. Section 99.11 *Right to inspect and review education records.*

Comment. A commenter suggested that language be added to section 99.11 stating that when parents are separated or divorced and one parent has been given custody of their child by agreement or a court order that both natural parents will have the right to inspect and review the education records of their child.

Response. Nothing in section 438 of the Act and this part is intended to effect the status of an agreement or court order under applicable State law regarding the custody of a child, or the exercise of rights on behalf of a child by separated or divorced parents. Paragraph (c) has been added to clarify this position.

Comment. A commenter recommended that the regulations state that an official of an educational agency or institution has a right to be present whenever the parent of a student or an eligible student inspects and reviews the education records of the student.

Response. The determination as to whether or not an official of the educational agency or institution will be present whenever the parent of a student or an eligible student inspects and reviews the education records of the student has been left up to each educational agency or institution. Nothing in section 438 of the Act or this part would preclude an educational agency or institution from adopting a policy which would require the presence of an official during the inspection and review of education records, if that policy would not operate to effectively prevent the exercise of rights by the parent or student.

Other Changes. New section 99.11 incorporates requirements from sections 99.13 and 99.15 of the proposed rules. The requirement that an educational agency or institution comply with a request to inspect and review education records within a reasonable period of time, but in no case more than forty-five days after the request has been made has been incorporated into section 99.11(a). Section 99.13 (c) and (d) of the proposed rules have been incorporated as sections 99.11(b)(1) and (2) of the regulations. This change was made in order to consolidate provisions pertaining to the right to inspect and review education records in one section.

9. Section 99.12 *Limitations on right to inspect and review education records.*

Comment. Several commenters objected to confidential letters and statements of recommendation which were placed in the education records of an eligible student before January 1, 1975 being exempted from inspection and review by the eligible student.

Response. Section 438(a)(1)(B) states that:

> The first sentence of subparagraph (A) shall not operate to make available to students in institutions of postsecondary education * * * confidential letters and statements of recommendation, which were placed in the education records prior to January 1, 1975. * * *

No change has been made in the regulations.

Comment. Several commenters objected to an eligible student being able to inspect and review letters and statements of recommendation which were placed in his or her education records after January 1, 1975. Two commenters felt that if letters and statements of recommendation were open to inspection and review by an eligible student it would be difficult for an individual who had been asked to write a recommendation to provide an honest assessment of the eligible student's abilities.

Response. Section 438(a)(1)(A) states that the parent of a student or an eligible student has the right to inspect and review the education records of the student. Section 438(a)(1)(C) permits an individual who is an applicant for admission to an agency or institution of postsecondary education or is a student in attendance at an agency or institution of postsecondary education to waive his or her right to inspect and review confidential recommendations respecting admission to an educational agency or institution, respecting an application for employment, and respecting the receipt of an honor or honorary recognition as long as certain conditions are met by the educational agency or institution including that:

> Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from such agency or institution.

No change has been made in the regulations. But additional waiver provisions were added.

Comment. Several commenters asked for clarification regarding whether or not an applicant for admission to an educational agency or institution has a right to inspect and review education records.

Response. The right to inspect and review education records is provided to the parent of a student or an eligible student. An applicant for admission to an educational agency or institution who is unsuccessful in his or her application may not be considered a student for purposes of section 438 of the Act or this part. The definition of student at section 438(a)(6) states in part: "* * * student * * * does not include a person who has not been in attendance at such agency or institution."

10. Section 99.13 *Limitation on destruction of education records.*

Comment. A commenter stated that an educational agency or institution should be permitted to destroy education records after a specified period of time.

Response. Generally, educational agencies and institutions are not precluded from destroying records unless there is an outstanding request to inspect and review them. The length of time which education records are required to be maintained by an educational agency or institution is, in many cases, determined under applicable State law or agency or institutional regulations. No change has been made in the regulations.

Comment. A commenter recommended that each educational agency or institution be required to provide notification to parents and eligible students 60 days in advance of the destruction of any education records.

Response. Nothing in section 438 of the Act and this part would preclude an educational agency or institution adopting a policy of providing notification to parents of students, and eligible students prior to the destruction of any education records. Such a requirement might work an undue burden on educational agencies or institutions which, though having a policy of destroying certain materials, purge records on a day-to-day basis rather than on a fixed schedule. No change has been made in the regulations.

Other Changes. Section 99.14 of the proposed rules has been renumbered section 99.13. Section 99.15 of the proposed rules has been deleted because it was redundant. Sections 99.13 (c) and (d) were redesignated sections 99.11 (b)(1) and (b)(2). The other paragraphs in section 99.13 have been deleted because they were redundant.

SUBPART C—AMENDMENT OF EDUCATIONAL RECORDS

11. Section 99.20 *Request to amend education records.*

Comment. Several commenters indicated they were concerned that an educational agency or institution might use the informal proceedings under section 99.21 of the proposed rules to delay in providing the parent of a student or an eligible student with an opportunity for a hearing to seek the correction of education records.

Response. Section 99.21 of the proposed rules has been deleted. New section 99.20 states that if a parent of a student or an eligible student believes that information in the education records of the student is inaccurate or misleading or violates the privacy or other rights of the student, the parent or the eligible student may request that the educational agency or institution amend the records. The educational agency or institution must decide whether to amend the education records within a reasonable period of time of receipt of the request. If the educational agency or institution decides to refuse to amend the education records of the student, the agency or institution must inform the parent of the student or the eligible student of the right to a hearing. If concerned that the educational agency or institution is utilizing informal attempts to reconcile differences as a delaying tactic, the parent or eligible student may exercise his right to a hearing without benefit of the decision from any informal proceeding.

12. Section 99.21 *Right to a hearing.*

Comment. A commenter suggested that the right to a hearing to seek the correction of information contained in the education records of a student be limited to permanent education records which are not more than three years old.

Response. The statute does not provide for such a time limitation. Section 438(a)(2) states that:

> the parents of students who are or have been in attendance at a school of such agency or such institution are provided an opportunity for a hearing * * * to challenge the content of such student's education records, in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students. * * *

In addition, the fact that the right is provided to parents of students "who * * * have been in attendance * * *" as well as to parents of students "who * * * are in attendance. * * *" makes it clear that the right to a hearing may not be denied because the education records are more than three years old. The purpose of the hearing is "to provide an opportunity for the correction or deletion of any such inaccurate, misleading or otherwise inappropriate data contained. * * *" in the education records of a student regardless of when the information was entered in the education records. No change has been made in the regulations.

Comment. A commenter recommended it be made explicit that when an educational agency or institution finds that information contained in the education records of a student is inaccurate, misleading, or otherwise inappropriate that the information must be corrected or deleted from the education records.

Response. New section 99.21(b) states that if, as a result of a hearing, an educational agency or institution decides that the information is inaccurate, misleading, or otherwise in violation of the rights of the student, the agency or institution shall amend the education records of the student accordingly, and so inform the parent of the student or the eligible student in writing.

Comment. A commenter requested clarification regarding whether or not a hearing could be requested by a parent of a student or an eligible student to contest the assignment of a grade.

Response. A hearing may not be requested by a parent of a student or an eligible student to contest the assignment of a grade; however, a hearing may be requested to contest whether or not the assigned grade was recorded accurately in the education records of the student. The *Joint Statement in Explanation of Buckley/Pell Amendment* (*Congressional Record* at S. 21488, daily edition, December 13, 1974) stated in part:

> There has been much concern that the right to a hearing will permit a parent or student to contest the grade given a student's performance in a course. That is not intended. It is intended only that there be procedures to challenge the accuracy of institutional records which record the grade which was actually given. Thus, the parents or student could seek to correct an improperly recorded grade, but could not through the hearing required pursuant to this law contest whether the teacher should have assigned a higher grade because the parents or student believe that the student was entitled to the higher grade.

Other Changes. Section 99.20 of the proposed rules has been renumbered section 99.21.

14. Section 99.22 *Conduct of the hearing.*

Comment. Several commenters expressed concern that the standards for the conduct of a hearing did not adequately satisfy due process requirements. The commenters recommended the inclusion of additional requirements to protect parents and students such as: (1) specifying the period of time within which educational agencies or institutions must hold a hearing, (2) requiring that the hearing be held at a time and place convenient for the parent or student, (3) permitting the parent or student to be assisted by an attorney or other representative of his or her choice, (4) providing the parent or student with an opportunity to present evidence relevant to the issues, (5) requiring that the hearing be conducted by an official who is not an employee of the school, agency, or institution, (6) requiring that the hearing be conducted and the decision be provided in the primary language of the parent or student, and (7) requiring that the decision be based solely on evidence presented at the hearing.

Response. New section 99.22 includes many, but not all of the recommended requirements. In some instances the recommended requirements have been modified. Section 99.22(a) states that the parent of a student or an eligible student shall be given notice of the date, place and time reasonably in advance of the hearing. An educational agency or institution must make a reasonable effort to schedule the hearing at a time and place which is convenient for the parent or eligible student and conduct

the hearing in a manner that will not effectively prevent the exercise of the parents' or students' rights.

Section 99.22(c) states that a parent of a student or an eligible student shall be afforded a full and fair opportunity to present evidence which is relevant to the issues, and that a parent or an eligible student may be assisted or represented by an individual of his or her choice at his or her own expense, including an attorney.

Section 99.22(e) states that the decision of an educational agency or institution shall be based solely upon the evidence presented at the hearing. In addition, the decision must include a summary of the evidence and the reasons for the decision.

It was determined that it was not feasible to set a specific period of time within which each educational agency or institution must hold a hearing. It was felt that the requirement under section 99.22(a) that a hearing be held within "* * * a reasonable period of time after the educational agency or institution has received the request * * *" when combined with the requirement under section 99.5(a)(5) that each educational agency or institution specify, as part of the policy it is required to formulate and adopt, the reasonable time limits under which it shall be obligated to act under the requirements of section 99.22(a) provides adequate protection to parents and students.

It was determined that the requirement that the hearing be conducted by an agency or institutional official or other party, who does not have a direct interest in the outcome of the hearing, provides adequate protection to parents and students. Nothing in section 438 of the Act or this part would preclude an educational agency or institution from employing a hearing examiner to conduct the hearing; however, the decision to abide with the determination of the hearing examiner must be the decision of the educational agency or institution.

It was determined that the requirement that an educational agency or institution conduct a hearing and provide the decision in the primary language of the parent or student would in many cases be burdensome. A parent or an eligible student has a right under section 99.22(c) to "* * * be assisted or represented by individuals of his or her choice at his or her own expense. * * *" If a parent of a student does not speak English he or she could also be assisted by another individual who is qualified to serve as an interpreter. An educational agency or institution which serves students in an area where the primary or home language of the parents and students is a language other than English, is encouraged, but not required, whenever possible to conduct the hearing and provide the decision in the primary or home language of the parents and students.

Other Changes. Section 99.22 of the proposed rules entitled *Formal proceedings* has been retitled *Conduct of the hearing.*

SUBPART D—DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION FROM EDUCATIONAL RECORDS

15. Section 99.30 *When prior consent for disclosure required.*

Comment. Several commenters objected to the requirement that the names of the parties to whom information from the education records of a student is to be disclosed has been deleted as a part of the written consent.

Response. The requirement to include the names of the parties to whom information from the education records of a student is to be disclosed has been deleted. New section 99.30(c) states that the written consent must indicate "* * * the party or class of parties to whom the disclosure may be made."

Comment. Two commenters objected to the requirement that the consent to disclose information from the education records of a student must be a written consent.

Response. This is a statutory requirement. Section 438(b)(2)(A) specifies that information from the education records of a student may not be disclosed, except to particular parties or under particular circumstances, unless "* * * there is written consent from the student's parents. * * *" No change has been made in this requirement.

Comment. Several commenters indicated that it would be extremely difficult for an educational agency or institution to determine if a parent, particularly in the case of separated or divorced parents, has the authority to give consent for the disclosure of information from the education records of his or her child.

Response. New section 99.30(b) states that whenever written consent is required for the disclosure of information from the education records of a student, an educational agency or institution may presume that a parent of a student giving consent has the authority to do so, unless the agency or institution has been provided with evidence that the parent does not have the authority under applicable State law.

Comment. Several commenters indicated they felt that the requirement in section 99.33(c) of the proposed rules, which provided that when an institution was a guardian for a student an independent party must be appointed to consent to the disclosure of information from the education records of a student was inappropriate.

Response. The requirement that an independent party be appointed to consent to the disclosure of information from the education records of a student has been deleted. If an institution has been appointed the guardian of a student under applicable State law, the institution may exercise the rights provided to the parent of a student, unless it is precluded from doing so by another Federal or State statute.

Other Changes. New section 99.30 *When prior consent for disclosure required* incorporates material which appeared in sections 99.31 *Content of Consent* and 99.33 *Authority of parent to give consent.*

16. Section 99.31 *When prior consent for disclosure not required.*

Comment. Several commenters indicated they felt that there were additional individuals, institutions, agencies, or organizations to whom information from the education records of a student should be disclosed without the need for obtaining the written consent of a parent of a student or an eligible student.

Response. Section 438(b)(1)(A) through (I) specifies the individuals, institutions, agencies, or organizations to whom or circumstances under which information from the education records of a student may be disclosed without the written consent of a parent of a student or an eligible student. Since this is determined by statute no change has been made in the regulations.

Comment. Several commenters requested clarification regarding who would decide which school officials could obtain information from the education records of a student without the written consent of a parent of a student or an eligible student because the official had a "legitimate educational interest" in the receipt of the information.

Response. Section 438(b)(1)(A) specifies that an educational agency or institution may disclose information from the education records of a student without the written consent of a parent of a student or an eligible student to "* * * other school officials, including teachers within the educational institution or local educational agency who have been determined by such agency or institution to have legitimate educational interests; * * *." Section 99.5(a)(3) indicates that each educational agency or institution include as a part of the policies and procedures * * * a specification of the criteria for determining which parties are 'school officials' and what the educational agency or institution considers to be a 'legitimate educational interest', * * *."

Comment. Two commenters asked for clarification regarding to whom and for what purposes a disclosure of information from the education records of a student could be made in connection with financial aid without the written consent of a parent of a student or an eligible student.

Response. New section 99.31(a)(4) specifies that a disclosure of information from the education records of a student may be made without the written consent of a parent of a student or an eligible student if the disclosure is to a party which is the source of or administers the financial aid for which a student has applied, if the information is required to determine the eligibility of the student for the financial aid, or to enforce the terms of the financial aid award.

Comment. Several commenters asked for clarification regarding the exception which allows an institution of postsecondary education to disclose information from the education records of an eligible student to a parent if the eligible student is a dependent.

Response. Section 438(b)(1)(H) permits, but does not require, an educational agency or institution to disclose information from the education records of an eligible student to a parent if the eligible student is a dependent as defined in the Internal Revenue Code of 1954. If an educational agency or institution decides to adopt a policy of disclosing information from the education records of a dependent eligible student, the agency or institution will need to establish a procedure for determining whether or not the eligible student is a dependent as defined by the Internal Revenue Code. Some educational agencies or institutions may decide to ask an eligible student at the time of registration whether or not he or she is a dependent of his or her parents; other educational agencies or institutions may decide to require that a parent submit an affidavit stating that the eligible student is a dependent for income tax purposes. Nothing in section 438 of the Act or this part requires that a particular procedure be adopted for the purpose of establishing dependency.

Comment. Several commenters indicated that in many instances it would be difficult for an educational agency or institution to notify a parent of a student or an eligible student, particularly the parent of a former student or a former eligible student, of the receipt of a judicial order or subpoena in advance of the compliance therewith. Two commenters suggested that the requirement be that an educational agency or institution make a reasonable effort to provide the notification in advance of complying with the judicial order or subpoena.

Response. New section 99.31(a)(9) states that an educational agency or institution must make "* * * a reasonable effort to notify the parent of a student or the eligible student of the order or subpoena in advance of compliance therewith: * * *."

Comment. Several commenters asked for clarification as to whether an educational agency or institution was required to disclose information from the education records of a student in those cases where the information could be disclosed without the written consent of a parent of a student or an eligible student.

Response. New section 99.31(b) states that "This section shall not be construed to require or preclude disclosure of any personally identifiable information from the education records of a student by an educational agency or institution to the parties set forth in paragraph (a) of this section."

Other Changes. Section 99.31 *When prior consent for disclosure not required* incorporates material which appeared in Section 99.30 *Consent of the proposed rules.*

17. Section 99.32 *Record of disclosures required to be maintained.*

Comment. Several commenters objected to the requirement that an educational agency or institution maintain a record of parties who had requested, as well as those who had obtained, information from the education records of a student.

Response. Section 438(b)(4)(A) requires that an educational agency or institution

> maintain a record, kept with the education records of each student, which will indicate all individuals, * * * agencies, or organizations which have requested or obtained access to a student's education records * * *.

The statute requires that a record be maintained of those parties who have "requested" information as well as those to whom information has been disclosed. No change has been made in the regulations.

Comment. A commenter asked for clarification regarding whether a record must be maintained of a disclosure of information to a parent of a student or an eligible student of information contained in the education records of the student.

Response. New section 99.32(a) (replacing proposed section 99.38) has been modified to make it clear that an educational agency or institution need not maintain a record of a disclosure of information to a parent of a student or an eligible student of information from the education records of the student.

Comment. Several commenters requested clarification as to whether or not an educational agency or institution is required to maintain a record of the disclosure of directory information.

Response. Section 99.32(a) makes it clear that an educational agency or institution is not required to maintain a record of the disclosures of directory information. Section 99.37 sets forth the requirements to be adhered to in the disclosure of directory information.

Comment. Two commenters asked for clarification regarding how long the record of disclosures of information contained in the education records of a student must be retained by an educational agency or institution.

Response. The record of disclosures of information contained in the education records of a student is considered to be a part of the education records of a student; therefore, the record of disclosures must be retained as long as the education records of a student to which they relate are maintained by an educational agency or institution.

Other Changes. Section 99.38 *Record of access* of the proposed rules has been renumbered and retitled section 99.32 *Record of disclosures required to be maintained.*

18. Section 99.33 *Limitations on redisclosure.*

Comment. A commenter asked for clarification as to whether information contained in the education records of a student which is disclosed to a centralized personnel bureau could be referred to various offices which might wish to consider a student for employment.

Response. Section 99.33(a) (proposed 99.39) makes it clear that when information contained in the education records of a student is disclosed to an institution, agency, or organization the information may be used by its officers, employees, and agents; but only for the purpose for which the disclosure was made.

Comment. A commenter asked for clarification regarding whether information disclosed from the education records of a student to a third party before the effective date of section 438 of the Act could be redisclosed without the written consent of a parent of a student or an eligible student.

Response. The statutory requirement that an educational agency or institution not release information to a third party except on the condition that the information not be redisclosed without the written consent of the parent or eligible student was not operative until the effective date of the Act. The condition cannot, therefore, be imposed with respect to information released prior to the effective date of the Act.

Comment. A commenter suggested that an educational agency or institution be required to obtain a written assurance from a third party that the party will not disclose any information from the education records of a student without the written consent of a parent of a student or an eligible student.

Response. Section 99.33(b) which provides a procedure to meet the requirement of section 438(b)(4)(B) requires that each educational agency or institution inform a third party to whom information from the education records of a student is disclosed that the third party may not disclose any information without the written consent of a parent of a student or an eligible student. However, nothing in section 438 of the Act or this part would preclude an educational agency or institution from adopting a policy of requiring a written assurance from a third party before disclosing information from the education records of a student.

Other Changes. Section 99.39 *Transfer of information by third parties* in the proposed rules has been renumbered and retitled section 99.33 *Limitations on redisclosure.*

19. Section 99.34 *Conditions for disclosure to officials of other schools and school systems.*

Comment. Several commenters indicated that it would be extremely difficult for an educational agency or institution to notify a parent of a student or an eligible student of the transfer of the education records of a student to another agency or institution, because usually the educatfonal agency or institution did not have a new address for the parent or eligible student.

Response. New Section 99.34(a) requires that each educational agency or institution transferring the education records of a student make a reasonable effort to notify a parent of a student or an eligible student of the transfer of the records. Under the revised regulation, this requirement is met if the agency or institution includes a notice in its policies and procedures developed under Section 99.5 that it forwards education records to a school, on request,

in which the student seeks or intends to enroll. The requirement would also be met if a letter is sent to the last known address of the parent or eligible student. An educational agency or institution may transfer the records without waiting to receive an acknowledgement from the parent or eligible student that he or she has received the notification. The sending school is not required to further notify a parent or eligible student in those cases in which the transfer of the records is initiated by the parent or eligible student at the sending school.

20. Section 99.35 *Disclosure to certain Federal and State officials for Federal program purposes.*

Comment. A commenter asked for clarification regarding whether Federal officials, other than those Federal officials listed in Section 438(b)(3), could obtain information from the education records of a student without the written consent of a parent of a student or an eligible student.

Response. Section 438(b)(3) enumerates the purposes for which certain Federal and State officials who may obtain information from the education records of a student without the written consent of the parent of a student or an eligible student under Section 438 of the Act and this part. It does not represent an attempt at an exhaustive listing of all the specific authorized representatives of those officials who might have responsibility for performing the functions described in 438(b)(3).

Other changes. Section 99.37 *Release to Federal and State officials* of the proposed rules has been renumbered and retitled Section 99.35 *Disclosure to certain Federal and State officials for Federal program purposes.*

21. Section 99.36 *Conditions for disclosure in health and safety emergencies.*

Comment. Two commenters recommended that the regulations specify that the written consent of a parent of a student or an eligible student is not required for the disclosure of information from the education records of a student in a health or safety emergency.

Response. Section 99.31(a)(10) states that an educational agency or institution may disclose information from the education records of a student without the written consent of a parent of a student or an eligible student in a health or safety emergency, subject to the conditions set forth in section 99.36.

Comment. A commenter stated that the decision as to what constitutes a health or safety emergency should be left to the discretion of an official of an educational agency or institution.

Response. Section 99.36(a) states that an educational agency or institution may disclose information from the education records of a student in a health or safety emergency, but does not specify what constitutes a health or safety emergency. Each educational agency or institution must decide if there is a health or safety emergency which requires the disclosure of information from the education records of a student without the written consent of a parent of a student or an eligible student. Section 99.36(b) enumerates the criteria to be used by an educational agency or institution in making a decision as to whether or not to disclose the information without written consent.

Other Changes. Section 99.35 *Release of information for health or safety emergencies* of the proposed rules has been renumbered and retitled section 99.36 *Conditions for disclosure in health and safety emergencies.*

22. Section 99.37 *Conditions for disclosure of directory information.*

Comment. Three commenters requested clarification regarding what would satisfy the requirement that an educational agency or institution give public notice of the categories of information that it has designated as directory information. The commenter suggested that the regulations specify that in the case of an institution of postsecondary education a notice in the school catalog would satisfy the requirement.

Response. New section 99.37(b) states that an educational agency or institution shall "give public notice." The actual means to be used is to be determined by each educational agency or institution. An institution of postsecondary education could, for instance, publish the required notice and/or an article explaining it in the student newspaper, and make copies of the notice available at various department and school administrative offices.

Comment. A commenter suggested that each educational agency or institution be required to provide notification on an annual basis to parents of students or eligible students sixty days before the beginning of the school year as to the categories of personally identifiable information which the educational agency or institution has designated as directory information. If a parent of a student or an eligible student wanted to prohibit the disclosure of any category of information, he or she would be required to inform the educational agency or institution before or by the start of the school year.

Response. It was felt that it would be extremely difficult for an educational agency or institution to provide notification to parents of students or eligible students 60 days before the start of the school year. Many educational agencies and institutions, particularly institutions of elementary and secondary education, employ a limited number of individuals during the school vacation months. In addition, many educational agencies and institutions do not have an accurate list of students who will be in attendance at the agency or institution until the opening day of school or classes.

Comment. Several commenters indicated they felt that there should be restrictions on the disclosure of directory information by an educational agency or institution.

Response. An educational agency or institution which has followed the procedures set forth under section 99.37 may disclose directory information to any member of the public. Nothing in section 438 of the Act or this part would preclude an educational agency or institution adopting a more restrictive policy regarding the disclosure of directory information.

SUBPART E—ENFORCEMENT

23. *Assurances required—general.*

Comment. Two commenters suggested that each educational agency or institution be required to submit copies of the policies and procedures it has adopted in order to comply with section 438 of the Act and this part either in place of or in addition to the required assurance.

Response. Submission of copies of policies and procedures adopted by educational agencies or institutions is not considered to be an effective means of monitoring compliance with section 438 of the Act and this part, since it is an institution's practice which is of primary importance. However, the policies and procedures formulated and adopted by an educational agency or institution will be subject to review by the office established under section 99.60 as a part of its investigative function.

Comment. A commenter recommended that the requirement that each educational agency or institution submit an assurance that it is in compliance and will continue to comply with section 438 of the Act and this part be deleted because it has no statutory basis.

Response. The requirement that each educational agency or institution submit an assurance that it is in compliance has been deleted, primarily, to avoid additional paperwork burdens on the educational community. The assurance requirement for subgrants and subcontracts has, likewise, been deleted.

24. *Assurances—conflict with State or local law.*

Comment. Several commenters indicated they felt that the procedures for a waiver of the requirements of section 438 of the Act and this part set forth in sections 99.63(b) and (c) of the proposed rules were either unnecessary or inappropriate.

Response. Sections 99.63(b) and (c) of the proposed rules have been deleted. The section has been modified to provide that each educational agency or institution shall inform the office designated to administer the Act if a State or local law exists which conflicts with the requirements of section 438 of the Act and this part.

25. Section 99.62 *Reports and records.*

Comment. A commenter recommended that section 99.64 be revised to specify the types of records and reports which are to be maintained by each educational agency or institution.

Response. The intent of section 99.62 (proposed section 99.64) is to ensure that each educational agency or institution will provide records or reports which may be required by the office or review board to carry out their assigned functions. The nature of such reports and records must be determined on a case-by-case basis. No change has been made in the regulations.

26. Section 99.63 *Complaint procedures.*

Comment. Several commenters recommended that section 99.65(b) of the proposed rules which established a 180-day limitation for the filing of complaints be deleted because it was inappropriate.

Response. Section 99.65(b) has been deleted.

Comment. A commenter suggested that the complaint procedures specify the information which is to be contained in a complaint.

Response. It was felt that most complaints will contain the minimal information which is necessary to begin an investigation of a complaint of an alleged violation of section 438 of the Act or this part. It is the responsibility of the office, as a part of its investigative function, to obtain additional information from the concerned complainant and educational agency or institution. No change has been made in the regulations.

Effective date. These regulations shall be effective on June 17, 1976.

Dated: June 8, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Subpart A—General

AUTHORITY: Sec. 438, Pub. L. 90-247, Title IV, as amended, 88 Stat. 571-574 (20 U.S.C. 1232g) unless otherwise noted.

Subpart A—General

§ 99.1 Applicability of part.

(a) This part applies to all educational agencies or institutions to which funds are made available under any Federal [program for which the U.S. Commissioner of Education has administrative responsibility, as specified by law or by delegation of authority pursuant to law.]

(20 U.S.C. 1230, 1232g)

(b) This part does not apply to an educational agency or institution solely because students attending that nonmonetary agency or institution receive benefits under one or more of the Federal programs referenced in paragraph (a) of this section, if no funds under those programs are made available to the agency or institution itself.

(c) For the purposes of this part, funds will be considered to have been made available to an agency or institution when funds under one or more of the programs referenced in paragraph (a) of this section: (1) Are provided to the agency or institution by grant, contract, subgrant, or subcontract, or (2) are provided to students attending the agency or institution and the funds may be paid to the agency or institution by those students for educational purposes, such as under the Basic Educational Opportunity Grants Program and the Guaranteed Student Loan Program (Titles IV-A-1 and IV-B, respectively, of the Higher Education Act of 1965, as amended).

(20 U.S.C. 1232g)

(d) Except as otherwise specifically provided, this part applies to education records of students who are or have been in attendance at the educational agency or institution which maintains the records.

(20 U.S.C. 1232g)

§ 99.2 Purpose.

The purpose of this part is to set forth requirements governing the protection of privacy of parents and students under section 438 of the General Education Provisions Act, as amended.

(20 U.S.C. 1232g)

§ 99.3 Definitions.

As used in this Part:

"Act" means the General Education Provisions Act, Title IV of Pub. L. 90-247, as amended.

"Attendance" at an agency or institution includes, but is not limited to: (a) attendance in person and by correspondence, and (b) the period during which a person is working under a work-study program.

"Commissioner" means the U.S. Commissioner of Education.

(20 U.S.C. 1232g)

"Directory information" includes the following information relating to a student: the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, and other similar information.

(20 U.S.C. 1232g(a)(5)(A))

"Disclosure" means permitting access or the release, transfer, or other communication of education records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means, or by any other means to any party.

[20 U.S.C. 1232g(b)(1)]

"Educational institution" or "educational agency or institution" means any public or private agency or institution which is the recipient of funds under any Federal program referenced in § 99.1(a). The term refers to the agency or institution recipient as a whole, including all of its components (such as schools or departments in a university) and shall not be read to refer to one or more of these components separate from that agency or institution.

(20 U.S.C. 1232g(a)(3))

"Education records" (a) means those records which: (1) Are directly related to a student, and (2) are maintained by an educational agency or institution or by a party acting for the agency or institution.

(b) The term does not include:

(1) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:

(i) Are in the sole possession of the maker thereof, and

(ii) Are not accessible or revealed to any other individual except a substitute. For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the record, and does not refer to an individual who permanently succeeds the maker of the record in his or her position.

(2) Records of a law enforcement unit of an educational agency or institution which are:

(i) Maintained apart from the records described in paragraph (a) of this definition;

(ii) Maintained solely for law enforcement purposes, and

(iii) Not disclosed to individuals other than law enforcement officials of the same jurisdiction; *Provided*, That education records maintained by the educational agency or institution are not disclosed to the personnel of the law enforcement unit.

(3)(i) Records relating to an individual who is employed by an educational agency or institution which:

(A) Are made and maintained in the normal course of business;

(B) Relate exclusively to the individual in that individual's capacity as an employee, and

(C) Are not available for use for any other purpose.

(ii) This paragraph does not apply to records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student.

(4) Records relating to an eligible student which are:

(i) Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity;

(ii) Created, maintained, or used only in connection with the provision of treatment to the student, and

(iii) Not disclosed to anyone other than individuals providing the treatment; *Provided,* That the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction at the educational agency or institution.

(5) Records of an educational agency or institution which contain only information relating to a person after that person was no longer a student at the educational agency or institution. An example would be information collected by an educational agency or institution pertaining to the accomplishments of its alumni.

(20 U.S.C. 1232g(a)(4))

"Eligible student" means a student who has attained eighteen years of age, or is attending an institution of postsecondary education.

(20 U.S.C. 1232g(d))

"Financial Aid", as used in § 99.31(a)(4), means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) which is conditioned on the individual's attendance at an educational agency or institution.

(20 U.S.C. 1232g(b)(1)(D))

"Institution of postsecondary education" means an institution which provides education to students beyond the secondary school level; "secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided, as determined under State law.

(20 U.S.C. 1232g(d))

"Panel" means the body which will adjudicate cases under procedures set forth in §§ 99.65–99.67.

"Parent" includes a parent, a guardian, or an individual acting as a parent of a student in the absence of a parent or guardian. An educational agency or institution may presume the parent has the authority to exercise the rights inherent in the Act unless the agency or institution has been provided with evidence that there is a State law or court order governing such matters as divorce, separation or custody, or a legally binding instrument which provides to the contrary.

"Party" means an individual, agency, institution or organization.

(20 U.S.C. 1232g(b)(4)(A))

"Personally identifiable" means that the data or information includes (a) the name of a student, the student's parent, or other family member, (b) the address of the student, (c) a personal identifier, such as the student's social security number or student number, (d) a list of personal characteristics which would make the student's identity easily traceable, or (e) other information which would make the student's identity easily traceable.

(20 U.S.C. 1232g)

"Record" means any information or data recorded in any medium, including, but not limited to: handwriting, print, tapes, film, microfilm, and microfiche.

(20 U.S.C. 1232g)

"Secretary" means the Secretary of the U.S. Department of Health, Education, and Welfare.

(20 U.S.C. 1232g)

"Student" (a) includes any individual with respect to whom an educational agency or institution maintains education records.

(b) The term does not include an individual who has not been in attendance at an educational agency or institution. A person who has applied for admission to, but has never been in attendance at a component unit of an institution of postsecondary education (such as the various colleges or schools which comprise a university), even if that individual is or has been in attendance at another component unit of that institution of postsecondary education, is not considered to be a student with respect to the component to which an application for admission has been made.

(20 U.S.C. 1232g(a)(5))

§ 99.4 Student rights.

(a) For the purposes of this part, whenever a student has attained eighteen years of age, or is attending an institution of postsecondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student.

(b) The status of an eligible student as a dependent of his or her parents for the purposes of § 99.31(a)(8) does not otherwise affect the rights accorded to and the consent required of the eligible student by paragraph (a) of this section.

(20 U.S.C. 1232g(d))

(c) Section 438 of the Act and the regulations in this part shall not be construed to preclude educational agencies or institutions from according to students rights in addition to those accorded to parents of students.

§ 99.5 Formulation of institutional policy and procedures.

(a) Each educational agency or institution shall, consistent with the minimum requirements of section 438 of the Act and this part, formulate and adopt a policy of—

(1) Informing parents of students or eligible students of their rights under § 99.6;

(2) Permitting parents of students or eligible students to inspect and review the education records of the student in accordance with § 99.11, including at least:

(i) A statement of the procedure to be followed by a parent or an eligible student who requests to inspect and review the education records of the student;

(ii) With an understanding that it may not deny access to an education record, a description of the circumstances in which the agency or institution feels it has a legitimate cause to deny a request for a copy of such records;

(iii) A schedule of fees for copies, and

(iv) A listing of the types and locations of education records maintained by the educational agency or institution and the titles and addresses of the officials responsible for those records;

(3) Not disclosing personally identifiable information from the education records of a student without the prior written consent of the parent of the student or the eligible student, except as otherwise permitted by §§ 99.31 and 99.37; the policy shall include, at least: (i) A statement of whether the educational agency or institution will disclose personally identifiable information from the education records of a student under § 99.31(a)(1) and, if so, a specification of the criteria for determining which parties are "school officials" and what the educational agency or institution considers to be a "legitimate educational interest", and (ii) a specification of the personally identifiable information to be designated as directory information under § 99.37;

(4) Maintaining the record of disclosures of personally identifiable information from the education records of a student required to be maintained by § 99.32, and permitting a parent or an eligible student to inspect that record;

(5) Providing a parent of the student or an eligible student with an opportunity to seek the correction of education records of the student through a request to amend the records or a hearing under Subpart C, and permitting the parent of a student or an eligible student to place a statement in the education records of the student as provided in § 99.21(c);

(b) The policy required to be adopted by paragraph (a) of this section shall be in writing and copies shall be made available upon request to parents of students and to eligible students.

[20 U.S.C. 1232g (e) and (f)]

§ 99.6 Annual notification of rights.

(a) Each educational agency or institution shall give parents of students in attendance or eligible students in attendance at the agency or institution

annual notice by such means as are reasonably likely to inform them of the following:

(1) Their rights under section 438 of the Act, the regulations in this part, and the policy adopted under § 99.5; the notice shall also inform parents of students or eligible students of the locations where copies of the policy may be obtained; and

(2) The right to file complaints under § 99.63 concerning alleged failures by the educational agency or institution to comply with the requirements of section 438 of the Act and this part.

(b) Agencies and institutions of elementary and secondary education shall provide for the need to effectively notify parents of students identified as having a primary or home language other than English.

[20 U.S.C. 1232g(e)]

§ 99.7 Limitations on waivers.

(a) Subject to the limitations in this section and § 99.12, a parent of a student or a student may waive any of his or her rights under section 438 of the Act or this part. A waiver shall not be valid unless in writing and signed by the parent or student, as appropriate.

(b) An educational agency or institution may not require that a parent of a student or student waive his or her rights under section 438 of the Act or this part. This paragraph does not preclude an educational agency or institution from requesting such a waiver.

(c) An individual who is an applicant for admission to an institution of postsecondary education or is a student in attendance at an institution of postsecondary education may waive his or her right to inspect and review confidential letters and confidential statements of recommendation described in § 99.12(a)(3) except that the waiver may apply to confidential letters and statements only if: (1) The applicant or student is, upon request, notified of the names of all individuals providing the letters or statements; (2) the letters or statements are used only for the purpose for which they were originally intended, and (3) such waiver is not required by the agency or institution as a condition of admission to or receipt of any other service or benefit from the agency or institution.

(d) All waivers under paragraph (c) of this section must be executed by the individual, regardless of age, rather than by the parent of the individual.

(e) A waiver under this section may be made with respect to specified classes of: (1) Education records, and (2) persons or institutions.

(f)(1) A waiver under this section may be revoked with respect to any actions occurring after the revocation.

(2) A revocation under this paragraph must be in writing.

(3) If a parent of a student executes a waiver under this section, that waiver may be revoked by the student at any time after he or she becomes an eligible student.

[20 U.S.C. 1232g(a)(1) (B) and (C)]

§ 99.8 Fees.

(a) An educational agency or institution may charge a fee for copies of education records which are made for the parents of students, students, and eligible students under section 438 of the Act and this part; *Provided*, That the fee does not effectively prevent the parents and students from exercising their right to inspect and review those records.

(b) An educational agency or institution may not charge a fee to search for or to retrieve the education records of a student.

[20 U.S.C. 1232g(a)(1)]

Subpart B—Inspection and Review of Education Records

§ 99.11 Right to inspect and review education records.

(a) Each educational agency or institution, except as may be provided by § 99.12, shall permit the parent of a student or an eligible student who is or has been in attendance at the agency or institution, to inspect and review the education records of the student. The agency or institution shall comply with a request within a reasonable period of time, but in no case more than 45 days after the request has been made.

(b) The right to inspect and review education records under paragraph (a) of this section includes:

(1) The right to a response from the educational agency or institution to reasonable requests for explanations and interpretations of the records; and

(2) The right to obtain copies of the records from the educational agency or institution where failure of the agency or institution to provide the copies would effectively prevent a parent or eligible student from exercising the right to inspect and review the education records.

(c) An educational agency or institution may presume that either parent of the student has authority to inspect and review the education records of the student unless the agency or institution has been provided with evidence that there is a legally binding instrument, or a State law or court order governing such matters as divorce, separation or custody, which provides to the contrary.

§ 99.12 Limitations on right to inspect and review education records at the postsecondary level.

(a) An institution of postsecondary education is not required by section 438 of the Act or this part to permit a student to inspect and review the following records:

(1) Financial records and statements of their parents or any information contained therein;

(2) Confidential letters and confidential statements of recommendation which were placed in the education records of a student prior to January 1, 1975; *Provided*, That:

(i) The letters and statements were solicited with a written assurance of confidentiality, or sent and retained with a documented understanding of confidentiality, and

(ii) The letters and statements are used only for the purposes for which they were specifically intended;

(3) Confidential letters of recommendation and confidential statements of recommendation which were placed in the education records of the student after January 1, 1975:

(i) Respecting admission to an educational institution;

(ii) Respecting an application for employment, or

(iii) Respecting the receipt of an honor or honorary recognition; *Provided*, That the student has waived his or her right to inspect and review those letters and statements of recommendation under § 99.7(c).

(20 U.S.C. 1232g(a)(1)(B))

(b) If the education records of a student contain information on more than one student, the parent of the student or the eligible student may inspect and review or be informed of only the specific information which pertains to that student.

(20 U.S.C. 1232g(a)(1)(A))

§ 99.13 Limitation on destruction of education records.

An educational agency or institution is not precluded by section 438 of the Act or this part from destroying education records, subject to the following exceptions:

(a) The agency or institution may not destroy any education records if there is an outstanding request to inspect and review them under § 99.11;

(b) Explanations placed in the education record under § 99.21 shall be maintained as provided in § 99.21(d), and

(c) The record of access required under § 99.32 shall be maintained for as long as the education record to which it pertains is maintained.

(20 U.S.C. 1232g(f))

Subpart C—Amendment of Education Records

§ 99.20 Request to amend education records.

(a) The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate or misleading or violates the privacy or other rights of the student may request that the educational agency or institution which maintains the records amend them.

(b) The educational agency or institution shall decide whether to amend the education records of the student in accordance with the request within a reasonable period of time of receipt of the request.

(c) If the educational agency or institution decides to refuse to amend the education records of the student in accordance with the request it shall so inform the parent of the student or the eligible student of the refusal, and advise the parent or the eligible student of the right to a hearing under § 99.21.

[20 U.S.C. 1232g(a)(2)]

§ 99.21 **Right to a hearing.**

(a) An educational agency or institution shall, on request, provide an opportunity for a hearing in order to challenge the content of a student's education records to insure that information in the education records of the student is not inaccurate, misleading or otherwise in violation of the privacy or other rights of students. The hearing shall be conducted in accordance with § 99.22.

(b) If, as a result of the hearing, the educational agency or institution decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of students, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing.

(c) If, as a result of the hearing, the educational agency or institution decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of students, it shall inform the parent or eligible student of the right to place in the education records of the student a statement commenting upon the information in the education records and/or setting forth any reasons for disagreeing with the decision of the agency or institution.

(d) Any explanation placed in the education records of the student under paragraph (c) of this section shall:

(1) Be maintained by the educational agency or institution as part of the education records of the student as long as the record or contested portion thereof is maintained by the agency or institution, and

(2) If the education records of the student or the contested portion thereof is disclosed by the educational agency or institution to any party, the explanation shall also be disclosed to that party.

[20 U.S.C. 1232g(a)(2)]

§ 99.22 **Conduct of the hearing.**

The hearing required to be held by § 99.21(a) shall be conducted according to procedures which shall include at least the following elements:

(a) The hearing shall be held within a reasonable period of time after the educational agency or institution has received the request, and the parent of the student or the eligible student shall be given notice of the date, place and time reasonably in advance of the hearing;

(b) The hearing may be conducted by any party, including an official of the educational agency or institution, who does not have a direct interest in the outcome of the hearing;

(c) The parent of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised under § 99.-21, and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney;

(d) The educational agency or institution shall make its decision in writing within a reasonable period of time after the conclusion of the hearing; and

(e) The decision of the agency or institution shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

[20 U.S.C. 1232g(a)(2)]

Subpart D—Disclosure of Personally Identifiable Information From Education Records

§ 99.30 **Prior consent for disclosure required.**

(a)(1) An educational agency or institution shall obtain the written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of a student, other than directory information, except as provided in § 99.31.

(2) Consent is not required under this section where the disclosure is to (i) the parent of a student who is not an eligible student, or (ii) the student himself or herself.

(b) Whenever written consent is required, an educational agency or institution may presume that the parent of the student or the eligible student giving consent has the authority to do so unless the agency or institution has been provided with evidence that there is a legally binding instrument, or a State law or court order governing such matters as divorce, separation or custody, which provides to the contrary.

(c) The written consent required by paragraph (a) of this section must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:

(1) A specification of the records to be disclosed,

(2) The purpose or purposes of the disclosure, and

(3) The party or class of parties to whom the disclosure may be made.

(d) When a disclosure is made pursuant to paragraph (a) of this section, the educational agency or institution shall, upon request, provide a copy of the record which is disclosed to the parent of the student or the eligible student, and to the student who is not an eligible student if so requested by the student's parents.

[20 U.S.C. 1232g(b)(1) and (b)(2)(A)]

§ 99.31 **Prior consent for disclosure not required.**

(a) An educational agency or institution may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student if the disclosure is—

(1) To other school officials, including teachers, within the educational institution or local educational agency who have been determined by the agency or institution to have legitimate educational interests;

(2) To officials of another school or school system in which the student seeks or intends to enroll, subject to the requirements set forth in § 99.34;

(3) Subject to the conditions set forth in § 99.35, to authorized representatives of:

(i) The Comptroller General of the United States,

(ii) The Secretary,

(iii) The Commissioner, the Director of the National Institute of Education, or the Assistant Secretary for Education, or

(iv) State educational authorities;

(4) In connection with financial aid for which a student has applied or which a student has received; *Provided*, That personally identifiable information from the education records of the student may be disclosed only as may be necessary for such purposes as:

(i) To determine the eligibility of the student for financial aid,

(ii) To determine the amount of the financial aid,

(iii) To determine the conditions which will be imposed regarding the financial aid, or

(iv) To enforce the terms or conditions of the financial aid;

(5) To State and local officials or authorities to whom information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974. This subparagraph applies only to statutes which require that specific information be disclosed to State or local officials and does not apply to statutes which permit but do not require disclosure. Nothing in this paragraph shall prevent a State from further limiting the number or type of State or local officials to whom disclosures are made under this subparagraph;

(6) To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction; *Provided*, That the studies are conducted in a manner which will not permit the personal identification of students and their parents by individuals other than representatives of the organization and the information will be destroyed when no longer needed for the purposes for which the study was conducted; the term "organizations" includes, but is not limited to, Federal, State and local agencies, and independent organizations;

(7) To accrediting organizations in order to carry out their accrediting functions;

(8) To parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954;

(9) To comply with a judicial order or lawfully issued subpoena; *Provided*, That the educational agency or institution makes a reasonable effort to notify the parent of the student or the eligible student of the order or subpoena in advance of compliance therewith; and

(10) To appropriate parties in a health or safety emergency subject to the conditions set forth in § 99.36.

(b) This section shall not be construed to require or preclude disclosure of any personally identifiable information from the education records of a student by an educational agency or institution to the parties set forth in paragraph (a) of this section.

[20 U.S.C. 1232g(b) (1)]

§ 99.32 Record of disclosures required to be maintained.

(a) An educational agency or institution shall for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record kept with the education records of the student which indicates:

(1) The parties who have requested or obtained personally identifiable information from the education records of the student, and

(2) The legitimate interests these parties had in requesting or obtaining the information.

(b) Paragraph (a) of this section does not apply to disclosures to a parent of a student or an eligible student, disclosures pursuant to the written consent of a parent of a student or an eligible student when the consent is specific with respect to the party or parties to whom the disclosure is to be made, disclosures to school officials under § 99.31(a) (1), or to disclosures of directory information under § 99.37.

(c) The record of disclosures may be inspected:

(1) By the parent of the student or the eligible student,

(2) By the school official and his or her assistants who are responsible for the custody of the records, and

(3) For the purpose of auditing the recordkeeping procedures of the educational agency or institution by the parties authorized in, and under the conditions set forth in § 99.31(a) (1) and (3).

(20 U.S.C. 1232g(b) (4) (A))

§ 99.33 Limitation on redisclosure.

(a) An educational agency or institution may disclose personally identifiable information from the education records of a student only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the personally identifiable information which is disclosed to an institution, agency or organization may be used by its officers, employees and agents, but only for the purposes for which the disclosure was made.

(b) Paragraph (a) of this section does not preclude an agency or institution from disclosing personally identifiable information under § 99.31 with the understanding that the information will be redisclosed to other parties under that section; *Provided*, That the recordkeeping requirements of § 99.32 are met with respect to each of those parties.

(c) An educational agency or institution shall, except for the disclosure of directory information under § 99.37, inform the party to whom a disclosure is made of the requirement set forth in paragraph (a) of this section.

[20 U.S.C. 1232g(b) (4) (B)]

§ 99.34 Conditions for disclosure to officials of other schools and school systems.

(a) An educational agency or institution transferring the education records of a student pursuant to § 99.31(a) (2) shall:

(1) Make a reasonable attempt to notify the parent of the student or the eligible student of the transfer of the records at the last known address of the parent or eligible student, except:

(i) When the transfer of the records is initiated by the parent or eligible student at the sending agency or institution, or

(ii) When the agency or institution includes a notice in its policies and procedures formulated under § 99.5 that it forwards education records on request to a school in which a student seeks or intends to enroll; the agency or institution does not have to provide any further notice of the transfer;

(2) Provide the parent of the student or the eligible student, upon request, with a copy of the education records which have been transferred; and

(3) Provide the parent of the student or the eligible student, upon request, with an opportunity for a hearing under Subpart C of this part.

(b) If a student is enrolled in more than one school, or receives services from more than one school, the schools may disclose information from the education records of the student to each other without obtaining the written consent of the parent of the student or the eligible student; *Provided*, That the disclosure meets the requirements of paragraph (a) of this section.

[20 U.S.C. 1232g(b) (1) (B)]

§ 99.35 Disclosure to certain Federal and State officials for Federal program purposes.

(a) Nothing in section 438 of the Act or this part shall preclude authorized representatives of officials listed in § 99.31(a) (3) from having access to student and other records which may be necessary in connection with the audit and evaluation of Federally supported education programs, or in connection with the enforcement of or compliance with the Federal legal requirements which relate to these programs.

(b) Except when the consent of the parent of a student or an eligible student has been obtained under § 99.30, or when the collection of personally identifiable information is specifically authorized by Federal law, any data collected by officials listed in § 99.31(a) (3) shall be protected in a manner which will not permit the personal identification of students and their parents by other than those officials, and personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, or enforcement of or compliance with Federal legal requirements.

[20 U.S.C. 1232g(b) (3)]

§ 99.36 Conditions for disclosure in health and safety emergencies.

(a) An educational agency or institution may disclose personally identifiable information from the education records of a student to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

(b) The factors to be taken into account in determining whether personally identifiable information from the education records of a student may be disclosed under this section shall include the following:

(1) The seriousness of the threat to the health or safety of the student or other individuals;

(2) The need for the information to meet the emergency;

(3) Whether the parties to whom the information is disclosed are in a position to deal with the emergency; and

(4) The extent to which time is of the essence in dealing with the emergency.

(c) Paragraph (a) of this section shall be strictly construed.

[20 U.S.C. 1232g(b) (1) (I)]

§ 99.37 Conditions for disclosure of directory information.

(a) An educational agency or institution may disclose personally identifiable information from the education records of a student who is in attendance at the institution or agency if that information has been designated as directory information (as defined in § 99.3) under paragraph (c) of this section.

(b) An educational agency or institution may disclose directory information from the education records of an individual who is no longer in attendance at the agency or institution without following the procedures under paragraph (c) of this section.

(c) An educational agency or institution which wishes to designate directory information shall give public notice of the following:

(1) The categories of personally identifiable information which the institution has designated as directory information;

(2) The right of the parent of the student or the eligible student to refuse to permit the designation of any or all of the categories of personally identifiable information with respect to that student as directory information; and

(3) The period of time within which the parent of the student or the eligible student must inform the agency or institution in writing that such personally identifiable information is not to be designated as directory information with respect to that student.

[20 U.S.C. 1232g(a) (5) (A) and (B)]

Subpart E—Enforcement

§ 99.60 Office and review board.

(a) The Secretary is required to establish or designate an office and a review board under section 438(g) of the Act. The office will investigate, process, and review violations, and complaints which may be filed concerning alleged violations of the provisions of section 438 of the Act and the regulations in this part. The review board will adjudicate cases referred to it by the office under the procedures set forth in §§ 99.65–99.67.

(b) The following is the address of the office which has been designated under paragraph (a) of this section: The Family Educational Rights and Privacy Act Office (FERPA), Department of Health, Education, and Welfare, 330 Independence Ave. SW., Washington, D.C. 20201.

(20 U.S.C. 1232g(g))

§ 99.61 Conflict with State or local law.

An educational agency or institution which determines that it cannot comply with the requirements of section 438 of the Act or of this part because a State or local law conflicts with the provisions of section 438 of the Act or the regulations in this part shall so advise the office designated under § 99.60(b) within 45 days of any such determination, giving the text and legal citation of the conflicting law.

(20 U.S.C. 1232g(f))

§ 99.62 Reports and records.

Each educational agency or institution shall (a) submit reports in the form and containing such information as the Office of the Review Board may require to carry out their functions under this part, and (b) keep the records and afford access thereto as the Office or the Review Board may find necessary to assure the correctness of those reports and compliance with the provisions of sections 438 of the Act and this part.

(20 U.S.C. 1232g(f) and (g))

§ 99.63 Complaint procedure.

(a) Complaints regarding violations of rights accorded parents and eligible students by section 438 of the Act or the regulations in this part shall be submitted to the Office in writing.

(b)(1) The Office will notify each complainant and the educational agency or institution against which the violation has been alleged, in writing, that the complaint has been received.

(2) The notification to the agency or institution under paragraph (b)(1) of this section shall include the substance of the alleged violation and the agency or institution shall be given an opportunity to submit a written response.

(c)(1) The Office will investigate all timely complaints received to determine whether there has been a failure to comply with the provisions of section 438 of the Act or the regulations in this part, and may permit further written or oral submissions by both parties.

(2) Following its investigation the Office will provide written notification of its findings and the basis for such findings, to the complainant and the agency or institution involved.

(3) If the Office finds that there has been a failure to comply, it will include in its notification under paragraph (c)(2) of this section, the specific steps which must be taken by the agency or educational institution to bring the agency or institution into compliance. The notification shall also set forth a reasonable period of time, given all of the circumstances of the case, for the agency or institution to voluntarily comply.

(d) If the educational agency or institution does not come into compliance within the period of time set under paragraph (c)(3) of this section, the matter will be referred to the Review Board for a hearing under §§ 99.64–99.67, inclusive.

(20 U.S.C. 1232g(f))

§ 99.64 Termination of funding.

If the Secretary, after reasonable notice and opportunity for a hearing by the Review Board, (1) finds that an educational agency or institution has failed to comply with the provisions of section 438 of the Act, or the regulations in this part, and (2) determines that compliance cannot be secured by voluntary means, he shall issue a decision, in writing, that no funds under any of the Federal programs referenced in § 99.1(a) shall be made available to that educational agency or institution (or, at the Secretary's discretion, to the unit of the educational agency or institution affected by the failure to comply) until there is no longer any such failure to comply.

(20 U.S.C. 1232g(f))

§ 99.65 Hearing procedures.

(a) *Panels.* The Chairman of the Review Board shall designate Hearing Panels to conduct one or more hearings under § 99.64. Each Panel shall consist of not less than three members of the Review Board. The Review Board may, at its discretion, sit for any hearing or class of hearings. The Chairman of the Review Board shall designate himself or any other member of a Panel to serve as Chairman.

(b) *Procedural rules.* (1) With respect to hearings involving, in the opinion of the Panel, no dispute as to a material fact the resolution of which would be materially assisted by oral testimony, the Panel shall take appropriate steps to afford to each party to the proceeding an opportunity for presenting his case at the option of the Panel (i) in whole or in part in writing or (ii) in an informal conference before the Panel which shall afford each party: (A) Sufficient notice of the issues to be considered (where such notice has not previously been afforded); and (B) an opportunity to be represented by counsel.

(2) With respect to hearings involving a dispute as to a material fact the resolution of which would be materially assisted by oral testimony, the Panel shall afford each party an opportunity, which shall include, in addition to provisions required by subparagraph (1)(ii) of this paragraph, provisions designed to assure to each party the following:

(i) An opportunity for a record of the proceedings;

(ii) An opportunity to present witnesses on the party's behalf; and

(iii) An opportunity to cross-examine other witnesses either orally or through written interrogatories.

(20 U.S.C. 1232g(g))

§ 99.66 Hearing before Panel or a Hearing Officer.

A hearing pursuant to § 99.65(b)(2) shall be conducted, as determined by the Panel Chairman, either before the Panel or a hearing officer. The hearing officer may be (a) one of the members of the Panel or (b) a nonmember who is appointed as a hearing examiner under 5 U.S.C. 3105.

(20 U.S.C. 1232g(g))

§ 99.67 Initial decision; final decision.

(a) The Panel shall prepare an initial written decision, which shall include findings of fact and conclusions based thereon. When a hearing is conducted before a hearing officer alone, the hearing officer shall separately find and state the facts and conclusions which shall be incorporated in the initial decision prepared by the Panel.

(b) Copies of the initial decision shall be mailed promptly by the Panel to each party (or to the party's counsel), and to the Secretary with a notice affording the party an opportunity to submit written comments thereon to the Secretary within a specified reasonable time.

(c) The initial decision of the Panel transmitted to the Secretary shall become the final decision of the Secretary, unless, within 25 days after the expiration of the time for receipt of written comments, the Secretary advises the Review Board in writing of his determination to review the decision.

(d) In any case in which the Secretary modifies or reverses the initial decision of the Panel, he shall accompany that action with a written statement of the grounds for the modification or reversal, which shall promptly be filed with the Review Board.

(e) Review of any initial decision by the Secretary shall be based upon the decision, the written record, if any, of the Panel's proceedings, and written comments or oral arguments by the parties, or by their counsel, to the proceedings.

(f) No decision under this section shall become final until it is served upon the educational agency or institution involved or its attorney.

(20 U.S.C. 1232g(g))

[FR Doc.76-17309 Filed 6-16-76;8:45 am]

federal register

THURSDAY, JUNE 17, 1976

PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

■

INTEREST SUBSIDY GRANTS

Notice of Proposed Rulemaking

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

[24 CFR Part 260]

[Docket No. R-76-400]

INTEREST SUBSIDY GRANTS

Notice of Proposed Rulemaking

The Department of Housing and Urban Development herewith publishes proposed regulations implementing section 802(c)(2) of the Housing and Community Development Act of 1974, Pub. L. 93-383, 88 Stat. 633, (42 USC 1440(c)(2)). Under that subsection, the Secretary is authorized to make grants to a total of $600 million, at a rate of not more than $15 million per year, for the benefit of State housing finance or development agencies to subsidize up to 33⅓ percent of interest payable on their bonds, debentures, notes or other obligations which are made subject to Federal taxation at the election of the State agency and which are issued to finance certain development activities. The Department has determined that these interest subsidy grants will be used solely to facilitate provision of the maximum number of housing units for lower income families through new construction or substantial rehabilitation. Therefore, these grants will be committed only to State housing finance or development agencies eligible to participate in the Department's program under section 8 of the United States Housing Act of 1937, as amended, for the purpose of subsidizing interest payments on taxable financing issued in order to undertake new construction and substantial rehabilitation projects under section 8. The proposed regulations set forth the procedures and requirements for submission of applications for interest subsidy grants, procedures for selection and approval of applications by the Department, and general program standards.

Interested persons are invited to submit written comments or views on this proposed Part 260 by filing them with the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. All relevant material received in the foregoing office before July 7, 1976, will be considered before a final rule is adopted. Copies of written views or comments will be available for public examination during regular business hours at the foregoing office. The Department has decided that an abbreviated comment period is necessary in order that final regulations may be published in time to allow the Department to obligate the funds by September 30, 1976.

A Finding of Inapplicability of § 102(2)(C) of the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1 with respect to these proposed regulations. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, at the address set forth above.

It is hereby certified that the economic and inflationary impacts of these proposed regulations have been carefully evaluated in accordance with OMB Circular No. A-107.

It is proposed to amend Chapter II, Subchapter B, of Title 24 of the Code of Federal Regulations by adding a new Part 260 to provide as set forth below:

PART 260—INTEREST SUBSIDY GRANTS

Sec.
260.1 Purpose.
260.2 Definitions.
260.3 Applications.
260.4 Selection and approval of applications.
260.5 Program standards.

AUTHORITY: Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d); § 802(c)(2), Housing and Community Development Act of 1974 (Pub. L. 93-383, 88 Stat. 633, (42 U.S.C. § 1440(c)(2))).

§ 260.1 Purpose.

These regulations establish rules and procedures for implementation by the Secretary of Section 802(c)(2) of the Housing and Community Development Act of 1974 to the extent of all currently available contract and budget authority under that subsection. State housing finance and development agencies currently obtain capital for low income housing development through the issuance of tax-exempt financing. Section 802(c)(2) authorizes the Secretary to make, and to contract to make, grants to or on behalf of eligible State agencies to cover not to exceed 33⅓ percent of the interest payable on their bonds, debentures, notes and other obligations which are made subject to Federal taxation and which are issued to finance certain development activities including the provision of housing for lower income families. Thus, Section 802(c)(2) and these regulations afford eligible State agencies the option of using taxable obligations to finance certain of their development activities.

§ 260.2 Definitions.

(a) "Eligible obligation"—Any bond, note, debenture or other obligation which:

(1) Is issued by an eligible State Agency;

(2) Is issued for the purpose of financing the construction or development of eligible projects; or issued to refinance short-term obligations of the same issuer issued for such purpose;

(3) Is issued for a term including refinancings, which generally shall not exceed forty (40) years but which may exceed 40 years when approved on a case-by-case basis including refinancing, for good cause, by the Secretary;

(4) Would not have been subject to Federal taxation except for the decision of the eligible State agency to obtain assistance under Section 802; and

(5) Provides for interest payments on the full outstanding principal balance of the obligation no less frequently than annually.

(b) "Eligible project"—A new construction or substantial rehabilitation (as defined in 24 CFR 883.202) project for which a final proposal has been approved by the Secretary pursuant to 24 CFR 880.210(c), 881.210(c) or 883.311(a).

(c) "Eligible State Agency"—A Housing Finance Agency (HFA), designated by the Governor of the State (or Governors in the case of an interstate agency) for purposes of participating in the program under this Part and which has been approved as a participating agency pursuant to § 883.103 of this Title.

(d) "Secretary"—The Secretary of Housing and Urban Development or an officer authorized to perform the functions of the Secretary.

(e) "State"—Any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(f) "Subject to Federal taxation"—An obligation is deemed subject to Federal taxation for purposes of this Part, if the interest paid thereon and received by the purchaser thereof (or his successor in interest) shall be included in gross income for the purposes of Chapter 1 of the Internal Revenue Code of 1954.

§ 260.3 Applications.

(a) Any eligible State agency may apply for interest subsidy grants under this Part; however, the allocation of grant contract authority requested by a single such agency for the period commencing October 1, 1976 and ending September 30, 1977, shall not exceed $2 million, nor shall the allocation requested exceed $2 million of contract authority for use in any subsequent annual period. Application will be processed in two separate groups as more fully described in § 260.4. To be processed with the first group, an application must be delivered to the Office of Assisted Housing, Room 6106, HUD Building, 451 7th Street, S.W., Washington, D.C. 20410 no later than 5:00 p.m., August 20, 1976. Applications so delivered after 5:00 p.m. August 20, 1976 and prior to 5:00 p.m. September 20, 1976 will be processed with the second group. Applications so delivered after 5:00 p.m. September 20, 1976, will be rejected. Applications must be placed in a sealed envelope marked "§ 802(c)(2) Interest Subsidy Application" and must state or include the following:

(1) A certificate executed by the Governor(s) of the State(s) in which the applicant conducts development activities authorizing the applicant to receive interest subsidy grants under this Part and approving the application.

(2) The amount of interest subsidy grants requested, for the period commencing October 1, 1976, and ending

September 30, 1977, and the maximum annual amount of interest subsidy grants requested for any Federal fiscal year during the term of the eligible obligation.

(3) The estimated capital amount of the eligible obligation to which those grants will be applied.

(4) The actual or anticipated issue date of the eligible obligation.

(5) A duly certified resolution of the applicant stating that the bond, debenture, note, or other obligation to which the interest subsidy grants requested will be applied, is, or will be, an eligible obligation.

(6) A description of the major anticipated features of the eligible obligation to which the interest subsidy grants requested will be applied, including term, type, amortization schedule, interest rate, total interest payable, acceleration rights, prepayment rights and penalties, and identification of purchasers of the obligation (if known at time of application submission).

(7) The estimated total amount of interest subsidy grants required during the term of the eligible obligation, the percentage of interest payable on the eligible obligation anticipated to be defrayed by those grants (not to exceed 33⅓ percent), and the estimated amount of such grants for each annual period commencing October 1, 1977, until the expiration of the eligible obligation.

(8) The requested manner of grant payment (i.e., annually, semi-annually, quarterly) and identification of disbursing agent, if known.

Each application must be executed by an authorized officer of the eligible State agency and must be accompanied by an opinion of the counsel for the eligible State agency as to the authority of that officer or official to so execute the application on behalf of the eligible State agency.

§ 260.4 Selection and approval of applications.

(a) First group (1). All applications delivered prior to 5:00 p.m., August 20, 1976, and otherwise meeting the requirements of § 260.3 of this Part will constitute the first group and will be reviewed by the Secretary to determine acceptability under this Part. If the total amount of interest subsidy grants requested by acceptable applications for the period commencing October 1, 1976, and ending September 30, 1977, does not exceed $15 million, then all such applications in the first group shall be approved, and commitments for interest subsidy grants in the amounts applied for shall be executed by the Secretary.

(2) If the total amount of interest subsidy grants requested by these applications for the period commencing October 1, 1976, and ending September 30, 1977, or for any subsequent annual period exceeds $15 million, then the applications shall be ranked according to the ratio of the maximum annual interest subsidy grant requested during the term of the eligible obligation to the total principal amount of said eligible obligation. First ranking shall be awarded to the application with the lowest such ratio; Second ranking shall be awarded to the application with the second lowest such ratio, and so forth. In the event of a tie, higher ranking as between the tied applications shall be awarded to that application setting forth the earlier anticipated issue date for the eligible obligation. The Secretary will then approve applications in the order of ranking and execute commitments of contract authority for interest subsidy grants in the maximum annual amounts requested. In the event it is not possible under this procedure to execute a commitment for the total maximum annual amounts of interest subsidy grants requested by an application, the applicant shall be so advised by the Secretary and given the option of either accepting a commitment equal to the then available annual amounts of interest subsidy grants or relinquishing its ranking to the next ranked applicant.

(b) Second group. If the total amount of interest subsidy grants for the period commencing October 1, 1976, and ending September 30, 1977, or for any subsequent annual period requested by acceptable applications in the first group equals or exceeds $15 million, then all applications delivered pursuant to § 260.3 of this Part after 5:00 p.m. August 20, 1976, will be rejected. If the total amount of interest subsidy grants for the period commencing October 1, 1976, and ending September 30, 1977, for any subsequent annual period requested by acceptable applications in the first group is less than $15 million, then all applications delivered after 5:00 p.m. August 20, 1976, and prior to 5:00 p.m. September 20, 1976, and otherwise meeting the requirements of § 260.3 of this Part, will constitute the second group and will be reviewed by the Secretary. If the total amount of interest subsidy grants for the period commencing October 1, 1976, and ending September 30, 1977, or any subsequent annual period requested by acceptable applications in the second group does not exceed the difference between $15 million and the total amount of such grants for such periods requested by applications in the first group, then all of the applications in the second group shall be approved, and commitment for interest subsidy grants in the maximum annual amounts applied for, shall be executed by the Secretary. If the total amounts of interest subsidy grants requested by applications in the second group for the period commencing October 1, 1976, and ending September 30, 1977, or any subsequent annual period exceeds the difference between $15 million and the total amount of such grants for such period requested by applications in the first group, then the ranking and commitment systems, as set forth in § 260.4(a) of this Part, shall be used.

(c) Approved Applications. Each applicant for which a commitment is executed shall be notified in writing by the Secretary of such commitment and the dollar amounts thereof. Thereafter, each such applicant will be tendered an appropriate contract executed by the Secretary setting forth the detailed rights, duties, and obligations of the Secretary and the applicant in regard to the interest subsidy grants covered by the executed commitment for such applicant and the procedures for payment of the grants. At a minimum, each such contract shall conform to the program standards set forth in § 260.5.

§ 260.5 Program standards.

(a) Interest subsidy grants under this Part will be made only to eligible State agencies or to disbursing agents duly designated by such eligible State agencies.

(b) Interest subsidy grants under this Part may be applied only to eligible obligations.

(c) Interest subsidy grants under this Part will not exceed $15 million per year commencing October 1, 1976 and $600 million in total amount. No applicant may receive a commitment for more than $2 million during the period commencing October 1, 1976 and ending September 30, 1977, or for any subsequent annual period.

(d) Interest subsidy grants under this Part for any eligible obligation shall not exceed 33⅓ percent of interest payable thereon.

(e) Interest subsidy grants under this Part shall be paid for not more than 40 years, unless a longer period is approved on a case by case basis by the Secretary, including refinancings, for good cause.

(f) Payments of interest subsidy grants under this Part can be made annually, semi-annually, or quarterly at the option of the eligible State agency. Each payment will be made at a fixed percentage of the outstanding principal of each eligible obligation to which the payment relates, whether or not the outstanding principal is in fact being amortized at the rate anticipated by the application or contract. Said percentage shall be calculated according to the ratio of maximum annual interest subsidy grants paid to the total principal amount of the eligible obligation to which such grants will be applied, and may not exceed the ratio previously specified in the related application.

(g) An eligible state agency must bill the Secretary for each scheduled grant payment at least 30 days in advance of the due date of the agency's scheduled

interest payment on the eligible obligation to which the grant payment will be applied. The billing will refer to the case number, the amount of grant payment due, and the current status of the agency's payments on the debt.

(h) If the principal amount of each eligible obligation issued by an approved applicant is less than the amount set forth in its approved application, then the approved amounts of interest subsidy grants committed on the basis of said application shall be reduced according to the ratio of principal amount of eligible obligation set forth in the approved application to principal amount of each eligible obligation actually issued by the applicant.

(i) If the principal amount of each eligible obligation issued by an approved applicant is greater than the amount set forth in its approved application, no adjustment shall be made in the approved amounts of interest subsidy grants committed on the basis of said application.

(j) A commitment of interest subsidy grants under this Part shall automatically terminate in the event the applicant fails to issue the eligible obligation for which the grants were requested within ninety (90) days after the issue date specified in its application.

Issued at Washington, D.C., June 11, 1976.

FRED J. TRUSLOW,
Deputy Assistant Secretary for Housing Production and Mortgage Credit-FHA Commissioner.

[FR Doc.76-17619 Filed 6-16-76;8:45 am]

federal register

THURSDAY, JUNE 17, 1976

PART IV:

OFFICE OF MANAGEMENT AND BUDGET

■

STANDARDS OF CONDUCT

Revised Regulations

Title 5—Administrative Personnel

CHAPTER III—OFFICE OF MANAGEMENT AND BUDGET

PART 1300—STANDARDS OF CONDUCT

Revised Regulations

The regulations of the Office of Management and Budget governing the conduct and responsibilities of the Office are revised. The revision includes editorial changes and editing of the previously published regulations, deletion of obsolete provisions, and addition of new requirements and procedures. Specific new or extended provisions of most significance include the following:

Section 1300.735–14(c) permits voluntary donations on special occasions.

Section 1300.735–15(c) adds the prohibition that employees may not assist persons or a class of persons to prepare for an examination of the Civil Service Commission or the Board of Examiners of the Foreign Service.

Section 1300.735–21(g) adds the prohibition against engaging in riots and civil disorders.

Section 1300.735–21(r) adds the prohibition against withholding information required to be released under the Freedom of Information Act.

Section 1300.735–21(s) adds the prohibition against wilfully violating the Privacy Act of 1974.

Section 1300.735–23 establishes procedures for reporting of possible criminal conduct of other employees.

Section 1300.735–24(b) adds "related to the employee by law" to the member of household provision for reporting of financial interests.

Section 1300.735–27 establishes special rules mandated by the Privacy Act of 1974.

Section 1300.735–28 establishes rules regarding Equal Employment Opportunity.

Dated: June 8, 1976.

JAMES T. LYNN,
Director.

Pursuant to and in conformity with sections 201 through 209 of Title 18 of the United States Code, Executive Order 11222 of May 8, 1965 (30 FR 6469), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, Chapter III of Title 5 of the Code of Federal Regulations, consisting of Part 1300, is revised to read as follows:

Sec.

AUTHORITY: E.O. 11222 of May 8, 1965, FR 6469, 3 CFR 1965 Supp.; 5 CFR 735.104.

§ 1300.735–1 Purpose.

(a) The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by regular employees and special Government employees is essential to assure the proper performance of Government business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of regular employees and special Government employees through informed judgment is indispensable to the maintenance of these standards.

(b) This part is intended to foster the foregoing concepts. It is issued in compliance with the requirements of Executive Order No. 11222 of May 8, 1965, and is based upon the provisions of that order, the regulations of the Civil Service Commission issued thereunder (Part 735 of this title), and the statutes cited elsewhere in this part.

§ 1300.735–2 Definitions.

(a) For the purposes of this part, the terms "employee," "regular employee," and "regular Government employee" mean any officer or employee of the Office of Management and Budget except a special Government employee.

(b) The term "special Government employee" means an officer or employee who is retained, designated, appointed, or employed by the Office of Management and Budget to perform with or without compensation, for not more than 130 days during any period of 365 consecutive days temporary duties either on a full-time or intermittent basis.

(c) The term "person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

§ 1300.735–3 Special Government employees.

Except where specifically provided otherwise, or where limited in terms or by the context to regular employees or regular Government employees, all provisions of this part relating to employees are applicable also to special Government employees.

§ 1300.735–4 General standards of conduct.

(a) All employees shall conduct themselves on the job in such a manner that the work of the Office is efficiently accomplished and courtesy, consideration, and promptness are observed in dealing with others.

(b) All employees shall conduct themselves off the job in such a manner as not to reflect adversely upon the Office or the Federal service.

(c) In all circumstances employees shall conduct themselves so as to exemplify the highest standards of integrity. Executive Order 11222 and Civil Service regulations provide that an employee shall avoid any action, whether or not specifically prohibited by this part, which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

§ 1300.735–5 Required employee notification.

(a) The Assistant to the Director for Administration shall distribute copies of this part to each regular employee and special Government employee within 30 days of its publication. In the case of a new regular employee or special Government employee entering on duty after the date of such distribution, a copy shall be furnished at the time of entrance on duty. All regular and special Government employees shall familiarize themselves with the contents of this part.

(b) Copies of the Executive order, regulations, and statutes referred to in § 1300.735–1, together with various explanatory materials, are available for inspection in the Personnel Office at any time during regular business hours. Employees are encouraged to consult these basic materials in any case of doubt as to the proper application or interpretation of the provisions of this part.

(c) Attention of all employees is directed to House Concurrent Resolution

175, 85th Congress, 2d session, 72 Stat. 312, the "Code of Ethics for Government Service," which is attached to this part as Appendix A. (See also § 1300.735–21.)

§ 1300.735–6 Interpretation, advisory services, and counseling.

(a) The General Counsel is appointed as the Office's designee to the Civil Service Commission to interpret matters concerning this part. The General Counsel may, in this capacity, appoint one or more assistants, to serve as counselors.

(b) The Assistant to the Director for Administration shall notify all employees and special Government employees annually of the availability of counseling services. In the case of a new employee or special Government employee appointed after the date of such notification, notification shall be given at the time of entrance on duty.

§ 1300.735–7 Disciplinary action.

(a) A violation of any provision of this part by an employee may be cause for appropriate disciplinary action which may be in addition to any penalties prescribed by law. (As to remedial action in cases where an employee's financial interests result in a conflict or apparent conflict of interest, see § 1300.735–26.)

(b) Any disciplinary or remedial action taken pursuant to this part shall be effected in accordance with any applicable laws, Executive orders, or regulations.

§ 1300.735–8 Conflicts of interest, actual and apparent.

(a) A conflict of interest may exist whenever an employee has a substantial personal or private interest in a matter which involves his or her duties and responsibilities as an employee. The maintenance of public confidence in Government clearly demands that an employee take no action which would constitute the use of an official position to advance personal or private interests. It is equally important that each employee avoid becoming involved in situations which present the possibility, or even the appearance, that official position might be used to private advantage to the employee or others through association with the employee.

(b) Neither the pertinent statutes nor the standards of conduct prescribed in this part are to be regarded as exhaustive. Each employee must, in each instance involving a personal or private interest in a matter which also involves his or her duties and responsibilities as an employee, make certain that his or her actions do not have the effect or the appearance of the use of official position for the furtherance of personal or family interests or those of personal or business associates.

(c) The principal statutory provisions relating to bribery, graft, and conflicts of interest are contained in Chapter 11 of the Criminal Code, 18 U.S.C. 201–224. Severe penalties are provided for violations, including fine, imprisonment, dismissal from office, and disqualification from holding any office of honor, trust, or profit with the United States Government.

§ 1300.735–9 Disqualification because of private financial interests.

(a) Unless authorized to do so as provided hereafter in this section, no employee shall participate personally and substantially as a Government employee in a particular matter in which he or she has a financial interest. (18 U.S.C. 208.)

(1) For the purposes of this section—

(i) An employee participates personally and substantially in a particular matter through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise;

(ii) A particular matter is a judicial or other proceeding, application, request for ruling or other determination, contract, grant, claim, controversy, charge, accusation, arrest, or other particular activity; and

(iii) A financial interest is the material interest or entitlement of the employee or his or her spouse, minor child, partner, or an organization in which he or she is serving as officer, director, trustee, partner or employee, or any person or organization with whom he or she is negotiating or has any arrangement concerning prospective employment.

(b) An employee who has a financial interest (other than a financial interest exempted under paragraph (c) of this section) in a particular matter which is within the scope of his or her official duties shall make a full disclosure of that interest in writing to the Assistant to the Director for Administration. The employee shall not participate in any such matter unless he or she receives a written determination by the Director pursuant to section 208 of Title 18, United States Code, that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of such employee.

(c) The financial interests described in this paragraph are hereby exempted, pursuant to the provisions of section 208 of Title 18, United States Code, from the restrictions of paragraph (a) of this section and of section 208 of Title 18 (but not the other requirements of this part) as being too remote or inconsequential to affect the integrity of an employee's services in a matter:

(1) Stocks or bonds in a mutual fund or investment company, provided that the fair value of such stock or bond holding does not exceed 1 percent of the value of the reported assets of the mutual fund or investment company. This exemption applies only where the assets of the fund or company are diversified; it does not apply where the fund or company advertises that it specializes in a particular industry or commodity.

§ 1300.735–10 Additional prohibitions—regular Government employees.

(a) In addition to the disqualifications described in § 1300.735–9, a regular Government employee may not:

(1) Except in the discharge of official duties, represent any one else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 203 and 205).

(2) After Government employment has ended, ever represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which the employee participated personally and substantially for the Government (18 U.S.C. 207(a)).

(3) For 1 year after his or her Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of the employee's official responsibility during the last year of Government service (18 U.S.C. 207(b)). (This temporary restraint is permanent if the matter is one in which he or she participated personally and substantially. See paragraph (a)(2) of this section.)

(4) Receive any salary, or supplementation of Government salary, from a private source as compensation for services to the Government (18 U.S.C. 209, see also § 1300.735–13).

(b) Exemptions or exceptions from the prohibitions described in paragraph (a) of this section are permitted under certain circumstances. For the method of obtaining such exemptions or exceptions, see paragraph (d) of § 1300.735–12.

§ 1300.735–11 Additional prohibitions—special Government employees.

(a) In addition to the disqualification described in § 1300.735–9, a special Government employee is subject to the following major prohibitions:

(1) He or she may not, except in the discharge of official duties—

(i) Represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which he or she has at any time participated personally and substantially for the Government (18 U.S.C. 203 and 205), or

(ii) Represent anyone else in a matter pending before the Office unless he or she served there no more than 60 days during the previous 365 days (18 U.S.C. 203 and 205). He or she is bound by this restraint despite the fact that the matter is not one in which he or she has ever participated personally and substantially.

(2) He or she may not, after his or her Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he or she participated personally and substantially for the Government (18 U.S.C. 207(a)).

(3) He or she may not, for 1 year after his or her Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his or her official responsibility during the last year of his or her Government service (18 U.S.C. 207(b)). (This temporary restraint is permanent if the matter is one

in which he or she participated personally and substantially. See paragraph (a) (2) of this section.)

(b) Exemptions or exceptions from the prohibitions described in paragraph (a) of this section are permitted under certain circumstances; for the method of obtaining such exemptions or exceptions, see paragraph (d) of § 1300.735–12.

§ 1300.735–12 Exemptions and exceptions from prohibitions of conflict of interest statutes.

(a) Nothing in this part shall be deemed to prohibit an employee, if it is not otherwise inconsistent with the faithful performance of his or her duties, from acting without compensation, as agent or attorney for any person in a disciplinary, loyalty, or other Federal personnel administration proceeding involving such person.

(b) Nothing in this part shall be deemed to prohibit an employee from acting, with or without compensation, as agent or attorney for his or her parents, spouse, child, or any person for whom, or for any estate for which, he or she is serving as guardian, executor, administrator, trustee, or other personal fiduciary, except in those matters in which he or she has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of his or her official responsibility, as defined in section 202 (b) of Title 18 of the United States Code.

(c) Nothing in this part shall be deemed to prohibit an employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(d) In addition to the exemptions and exceptions described in this section and in § 1300.735–9, the conflict of interest statutes permit certain exemptions and exceptions in specific circumstances. The procedure for effecting such exemptions or exceptions is as follows:

(1) Any regular employee or special Government employee who desires approval of certification of his or her activities as provided for by section 205 of Title 18, U.S. Code, shall make application therefor in writing to the Assistant to the Director for Administration.

(2) A former employee, including a former special Government employee, who desires certification with regard to his or her activities under section 207 of Title 18, U.S. Code, shall make application therefor in writing to the Assistant to the Director for Administration.

(3) The Assistant to the Director for Administration shall report promptly to the Director, through the Deputy Director, all matters reported to him or her under this part which require consideration of approvals, certifications, or determinations provided for in sections 205, 207, or 208 of Title 18, U.S. Code, except that approvals requested under the provisions of paragraph (b) of this section may be granted by the Assistant to the Director for Administration without reference to anyone else.

§ 1300.735–13 Salary of employees payable only by United States.

(a) No employee, other than a special Government employee or an employee serving without compensation, shall receive any salary, or any contribution to or supplementation of salary, as compensation for his or her services as a Government employee, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality. (18 U.S.C. 209, see also § 1300.735–10(4) and 11(2).)

(b) Nothing in this part shall be deemed to prohibit an employee from continuing to participate in a bona fide pension, retirement, group life, health, or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer, nor from accepting contributions, awards, or other expenses under the terms of the Government Employees Training Act, 5 U.S.C. 2301–2319.

§ 1300.735–14 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section and in § 1300.735–15, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Office or any other agency with which the employee has occasion to work in the conduct of his or her official duties.

(2) Has interests which may be substantially affected by the performance or nonperformance of the employee's official duty.

(b) Notwithstanding paragraph (a) of this section, an employee may:

(1) Accept a gift, gratuity, favor, entertainment, loan, or other thing of monetary value from a friend, parent, spouse, child, or other close relative when the circumstances make it clear that the family or personal relationships involved are the motivating factors;

(2) Accept food or refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance;

(3) Accept loans from banks or other financial institutions on customary terms to finance proper or usual activities of employees, such as home mortgage loans; and

(4) Accept unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, or other items of nominal intrinsic value.

(c) An employee shall not solicit contributions from another employee for a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior official position. (5 U.S.C. 7351.) However, this paragraph does not prohibit a voluntary donation or acceptance of a gift of nominal value on a special occasion such as marriage, illness, or retirement.

(d) The Constitution (Art. 1, sec. 9, par. 8) prohibits acceptance from foreign governments, except with the consent of Congress, of any emolument, office, or title. The Congress has provided that, except in the case of certain gifts of minimal value and specified military decorations, all such presents, decorations, and other things shall be tendered to the State Department for use and disposal as property of the United States (5 U.S.C. 7342). Any such gift or thing which cannot appropriately be refused shall be submitted to the Assistant to the Director for Administration for transmittal to the State Department.

§ 1300.735–15 Outside employment and other activities.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include, but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expenses, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest; or

(2) Outside employment which tends to impair the employee's mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(b) An employee who intends to engage in outside employment shall obtain the approval, through the head of his or her office or division, of the Assistant to the Director for Administration. A record of each approval under this paragraph shall be filed in the employee's official personnel folder.

(c) Within the limitations imposed by this section, employees are encouraged to engage in teaching, lecturing, and writing. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, making speeches, or writing (including lecturing or writing for the purpose of special preparation of a person or class of persons for an examination of the Civil Service Commission or the Board of Examiners for the Foreign Service) that is dependent on information obtained as a result of his or her Government employment, except when that information has been made available to the general public or will be made available on request, or when the Deputy Director gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401(a) of Executive Order No. 11222 of May 8, 1965, shall not

receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his or her agency, or which draws substantially on official data or ideas which have not become part of the body of public information.

(d) An employee shall not engage in outside employment under a State or local government, except in accordance with applicable regulations of the Civil Service Commission (Title 5, Chapter I, Part 734 of the Code of Federal Regulations).

(e) Neither this section nor § 1300.735–14 precludes an employee from:

(1) Acceptance of payments from tax exempt organizations pursuant to the provisions of 5 U.S.C. 4111, or receipt of reimbursement for bona fide expenses for travel and subsistence incurred while in a non-duty status and for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his or her behalf, for excessive personal benefits.

(2) Participation in the activities of national or State political parties not proscribed by law. (See paragraph (o) of § 1300.735–22 regarding proscribed political activities.)

(3) Participation in the affairs of, or acceptance of an award for a meritorious public contribution or achievement given by, a charitable, religious, professional, social, fraternal, nonprofit educational or recreational, public service, or civic organization.

(f) This section does not apply to special Government employees, who are subject to the provisions of § 1300.735–22.

§ 1300.735–16 Financial interests.

(a) An employee may not have financial interests which—

(1) Constitute a substantial personal or private interest in a matter which involves his or her duties and responsibilities as an employee; or

(2) Are entered into in reliance upon, or as a result of, information obtained through his or her employment; or

(3) Result from active and continuous trading (as distinguished from the making of bona fide investments) which is conducted on such a scale as to interfere with the proper performance of his or her duties.

(b) Aside from the restrictions prescribed or cited in this part, employees are free to engage in lawful financial transactions to the same extent as private citizens. Employees should be aware that the financial interests of their spouse or minor children and persons related by blood or law who are full-time residents of their households may be regarded, for the purposes of this section, as financial interests of the employees themselves.

(c) This section does not apply to special Government employees, who are subject to the provisions of § 1300.735–22.

§ 1300.735–17 Use of Government property.

An employee shall not directly or indirectly use or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him or her.

§ 1300.735–18 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as provided in paragraph (b) of § 1300.735–15, directly or indirectly use, or allow the use of, official information obtained through or in connection with his or her Government employment which has not been made available to the general public.

§ 1300.735–19 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, or one imposed by law such a federal, state or local taxes, and "in a proper and timely manner" means in a manner which the Office determines does not, under the circumstances, reflect adversely on the Government as his or her employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Office to determine the validity or amount of the disputed debt.

§ 1300.735–20 Gambling, betting, and lotteries.

An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity, including the operations of gambling devices, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude solicitations by employee organizations when approved by the Office under section 3 of Executive Order No. 10927, or other similar Office-approved activities.

§ 1300.735–21 Miscellaneous statutory provisions.

Each employee shall become acquainted with each statute that relates to his or her ethical and other conduct as an employee of the Office and of the Government. Particular attention is directed to the following statutory provisions:

(a) Chapter 11 of Title 18, U.S. Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned (see §§ 1300.735–9, 1300.735–10, and 1300.735–11).

(b) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(c) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(d) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783) and (2) the disclosure of confidential information (18 U.S.C. 1905).

(e) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(f) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(g) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(h) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(i) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(j) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(k) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(l) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641; (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(m) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(n) The prohibitions against proscribed political activities in subchapter III of chapter 73 of title 5, United States Code, and 18 U.S.C. 602, 603, 607, and 608.

(o) The prohibition against an employee acting as the agent of a foreign principal under the Foreign Agents Registration Act (18 U.S.C. 219).

(p) The prohibition against engaging in any manner in riots and civil disorders; and banning persons convicted of such offenses from employment in the Government of the United States or of the District of Columbia for five (5) years from the date of said conviction (5 U.S.C. 7313).

(q) The prohibition against unlawfully and unreasonably withholding information clearly required to be released pursuant to the Freedom of Information Act (5 U.S.C. 552(a)(4)(F)).

(r) The prohibition against willfully violating the Privacy Act of 1974. (5 U.S.C. 552a(i)(1), see also Sec. 1300.735–27.)

§ 1300.735–22 Conduct and responsibilities of special Government employees.

(a) A special Government employee shall not use his or her Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself, herself, or another person, particularly

one with whom the special Government employee has family, business, or financial ties.

(b) A special Government employee shall not use inside information obtained as a result of his or her Government employment for private gain for himself, herself or another person, particularly one with whom he or she has family, business, or financial ties. For the purposes of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(c) A special Government employee who engages in teaching, lecturing, or writing, whether for or without compensation, shall not for such purposes make use of information obtained as a result of his or her Government employment, except when that information has been made available to the general public or will be made available on request, or when the Deputy Director gives written authorization for the use of nonpublic information on the basis that such use is in the public interest.

(d) A special Government employee shall not use his or her Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or herself or another person, particularly one with whom the employee has family, business, or financial ties.

(e) Except as provided in paragraph (f) of this section, a special Government employee, while so employed or in connection with employment, shall not receive or solicit from a person having business with the agency anything of value as a gift, gratuity, loan, entertainment, or favor for himself, herself, or another person, particularly one with whom he has family, business, or financial ties.

(f) Notwithstanding paragraph (e) of this section, a special Government employee shall be allowed the same latitude as is authorized for regular Government employes by paragraph (b) of § 1300.735–14.

(g) Attention of special Government employees is directed to the provisions of § 1300.735–3 (making the provisions of this part generally applicable to their activities); as modified by § 1300.735–11.

§ 1300.735–23 Reporting possible criminal conduct of other employees.

In the event an employee of the Office, in the course of his or her duties, obtains information concerning possible criminal conduct in violation of title 18, United States Code, by other Government employees or officers, such information should be reported expeditiously to the Attorney General (see 28 U.S.C. 535). To assure compliance with the law, to fulfill the Office's responsibilities, and to maintain public confidence, the following guidance is provided concerning the disposition of such information.

(a) Employees should report such information without delay through normal channels to—

(1) The Assistant to the Director for Administration of the information relates to an employee of the Office; or

(2) The appropriate Associate Director if the information relates to an employee of another agency.

(b) The Assistant to the Director for Administration or any Associate Director who receives such information should, after any necessary consultation with the General Counsel, submit the matter to the Director or the Deputy Director with recommendations whether—

(1) A report should be made to the Attorney General;

(2) A report should be made to the appropriate officials of any other agency; and

(3) Whether any other action should be taken.

(c) Except as specifically authorized by the Director or Deputy Director, Office employees shall not conduct investigations of allegations of misconduct on the part of officers or employees of any other department, agency, or instrumentality of the United States.

§ 1300.735–24 Reporting of employment and financial interests—regular Government employees.

(a) Reports will be submitted on a form made available by the Assistant to the Director for Administration, setting forth the information specified hereafter in this section. Such statements shall be submitted to the head of the office or division concerned, except that heads of offices and divisions and employees in the Office of the Director shall submit such statements to the Deputy Director or such other official as the Deputy Director may designate. After review by the head of the division, or equivalent, the statements shall be forwarded, through the appropriate Associate or Assistant Director, to the Assistant to the Director for Administration (see paragraph (h), of this section).

(1) A list of the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions with or in which he or she, his or her spouse, minor child, or other member of his or her immediate household has—

(i) Any connection as an employee, officer, owner, director, member, trustee, partner, adviser, or consultant; or

(ii) Any continuing financial interest, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or

(iii) Any financial interest (except those described in paragraph (c) of § 1300.735–9) through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts. ("Shares" in savings and loan associations which are in the nature of savings deposits need not be reported under this section.)

(2) A list of the names of his or her creditors and the creditors of his or her spouse, minor child, or other members of his or her immediate household, other than those creditors to whom they may be indebted by reason of a mortgage on property which he or she occupies as a personal residence or to whom they may be indebted for current and ordinary household and living expenses such as those incurred for household furnishings, an automobile, education, vacations, or the like.

(3) A list of his or her interests and those of his or her spouse, minor child, or other member of his or her immediate household in real property or rights in lands, other than property which he or she occupies as a personal residence.

(b) For the purpose of this section "member of his or her immediate household" means a full-time resident of the employee's household who is related to the employee by blood or law.

(c) Each employee designated in paragraph (d) of this section who enters on duty after March 31, 1976, shall submit such statement not later than 30 days after the date of entrance on duty.

(d) Statements of employment and financial interests are required of the following:

(1) Employees listed in the Executive Schedule, except a Presidential appointee required to file a statement of financial interests under section 401 of Executive Order No. 11222 of May 8, 1965.

(2) Employees in classified positions of grade GS–15 or above.

(e) Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of Title 18, United States Code, or of the regulations in this part.

(f) If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit the information in his or her behalf.

(g) Paragraph (a) of this section does not require an employee to submit any information relating to his or her connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

(h) The Office shall hold each statement of employment and financial interests in confidence pursuant to the filing, recording, notification requirements, and other requisites of the Privacy Act of 1974 (Pub. L. 93–579). The

official to whom any such statement is submitted shall transmit it to the Assistant to the Director for Administration with appropriate notation of any indication of a conflict of interest. The Assistant to the Director for Administration shall retain such statements in confidence and shall not allow access to, or allow information to be disclosed from, any such statement except as may be necessary to carry out the purposes of this part. The Office may not disclose information from a statement except as the Civil Service Commission or the Director may determine for good cause shown.

(i) The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement by an employee does not permit him or her or any other person to participate in a matter in which his or her or the other person's participation is prohibited by law, order, or regulation.

(j) This section does not apply to special Government employees, who are subject to the provisions of § 1300.735–25.

(k) Employees in positions that meet the criteria in paragraph (d)(2) of this section may be excluded from the reporting requirement when the Director determines that (1) the duties of a position are such that the likelihood of the incumbent's involvement in a conflict-of-interest situation is remote; or (2) the duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review over the incumbent or the inconsequential effect on the integrity of the Government. Application for such a determination shall be made in writing to the Director through the head of the employee's office or division, except that employees in the Office of the Director shall make such applications through the Deputy Director.

(l) The Office's grievance procedure is available for review of a complaint by an employee that his or her position has been improperly included under paragraph (d) of this section as one requiring submission of a statement of employment and financial interests.

§ 1300.735–25 Reporting of employment and financial interests—special Government employees.

(a) A special Government employee shall submit to the Assistant to the Director for Administration a statement of employment and financial interests which discloses (1) all current Federal Government employment, (2) the names of all corporations, research organizations, and educational or other institutions in or for which he or she is an employee, officer, member, owner, trustee, director, adviser, or consultant, with or without compensation, (3) the names of all corporations in which he or she holds stocks or bonds, and (4) the names of all partnerships in which he or she is engaged.

(b) A statement required under this section shall be submitted at the time of employment on a form supplied by the Personnel Office and shall be kept current throughout the term of a special Government employee's service with the Office. A supplementary statement shall be submitted at the time of any reappointment; a negative report will suffice if no changes have occurred since the submission of the last previous statement.

§ 1300.735–26 Reviewing statements of financial interests.

(a) The Assistant to the Director for Administration shall review the statements required by §§ 1300.735–24 and 1300.735–25 to determine whether there exists a conflict, or appearance of conflict, between the interests of the employee concerned and the performance of service for the Government. If a conflict or appearance of conflict exists, the Assistant to the Director for Administration shall provide the employee with an opportunity to explain the conflict or appearance of conflict. If remedial action is indicated, the Assistant to the Director for Administration shall refer the statement to the Director, through the General Counsel, with a recommendation for such action. The Director, after consideration of the employee's explanation and such investigation as he or she deems appropriate, shall direct appropriate remedial action if he or she deems it necessary.

(b) Remedial action pursuant to paragraph (a) of this section may include, but is not limited to:

(1) Changes in assigned duties.

(2) Divestment by the employee of his or her conflicting interest.

(3) Disqualification for a particular action.

(4) Exemption pursuant to paragraph (b) of § 1300.735–9 or paragraph (d) of § 1300.735–12.

(5) Disciplinary action.

§ 1300.735–27 Conduct and responsibilities mandated by the Privacy Act of 1974.

(a) An employee shall avoid any action which might result in or create the appearance of using public office to collect or gain access to personal data about individuals beyond that required by or authorized for the performance of assigned duties.

(b) An employee shall not use any personal data about individuals for any purpose other than required and authorized for the performance of assigned duties; or disclose any such information to other agencies or persons not expressly authorized to receive or have access to such information, and shall make any such authorized disclosures in accordance with established Office regulations and procedures.

(c) Each employee, and especially an employee who has access to or is engaged in any way in the handling of information subject to the aforementioned Act, shall acquaint himself or herself with the regulations of this subsection as well as the pertinent provisions of the Act relating to the treatment of such information. Particular attention is directed to the following provisions of the Act:

(1) 5 U.S.C. 552a(e)(7)—The prohibition against collecting or maintaining any information about the political or religious beliefs and activities of individuals unless expressly authorized by statute or the individual.

(2) 5 U.S.C. 552a(b)—The prohibition against disclosure of certain personal data without the prior written consent of the individual, except under certain limited conditions.

(3) 5 U.S.C. 552a(e)(1)—The prohibition against collecting or maintaining any personal data about individuals, except as necessary and relevant to perform a function of the Office which is authorized by statute or Executive order.

(4) 5 U.S.C. 552a(2)—The requirement to collect information which may result in an adverse determination about an individual from that individual wherever practicable.

(5) 5 U.S.C. 552a(3)—The requirement to inform individuals from whom information about themselves is solicited of the purposes for which the information will be used and their rights, benefits, or obligations with respect to supplying that data and the consequences of failure to provide such information.

(6) 5 U.S.C. 552a (b) and (e)(10)—The obligation of employees to comply with established safeguards and procedures to protect personal data from anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual about whom information is maintained.

(7) 5 U.S.C. 552a(c) (1), (2), and (3)—The obligation of employees to maintain an accounting of all disclosures of personal information from systems of records in accordance with established Office procedures, only to persons having an official need to know or to the public under the Freedom of Information Act (5 U.S.C. 552).

(8) 5 U.S.C. 552(e) (5) and (6)—The obligation of employees to assure that any personal information about individuals is as accurate, relevant, timely, and complete as is reasonably necessary to assure fairness to the individual at such time any such information is disclosed to anyone.

(9) 5 U.S.C. 552a(d) (1), (2), and (3)—The obligation of employees to permit individuals to have access to records pertaining to themselves in accordance with established Office procedures and to have an opportunity to request that such records be amended.

(10) 5 U.S.C. 552a (c)(4) and (d)(4)—The obligation of employees to inform prior recipients of personal data when

a record is amended pursuant to the request of an individual or a statement of disagreement has been filed, advise any subsequent recipient that a record is disputed, and provide a copy of the statement of disagreement to both prior and subsequent recipients of the disputed information.

(11) 5 U.S.C. 552a(n)—The prohibition against renting or selling lists of names and addresses unless specifically authorized by law.

(12) 5 U.S.C. 552a(i)(1)—The criminal penalties to which an employee may be subject for failing to comply with certain provisions of the Privacy Act of 1974.

§ 1300.735–28 Conduct and responsibilities regarding Equal Employment Opportunity.

(a) No employee, in a position to in any way affect the hiring, promotion, demotion, or other personnel related action, shall discriminate in the disposition of that action due to race, color, creed, sex, or national origin.

(b) Each employee shall promote the Government's policy of equal opportunity in employment as specified in Executive Order 11478, August, 1968.

This revised part was approved by the Civil Service Commission on May 18, 1976 and supersedes the Part 1300 approved by the Civil Service Commission on December 8, 1967, and published in the FEDERAL REGISTER on February 1, 1968 (31 FR 6000), as amended.

Effective date: The revisions contained in this part shall be effective June 17, 1976.

APPENDIX A—HOUSE CONCURRENT RESOLUTION 175, 85TH CONGRESS, 2D SESSION

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including officeholders:

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party or Government department.

2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments, therein and never be a party to their evasion.

3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

7. Engage in no business with the government, either directly or indirectly, which is inconsistent withthe conscientious performance of his governmental duties.

8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

9. Expose corruption wherever discovered.

10. Uphold these principles, ever conscious that public office is a public trust.

[FR Doc.76–17664 Filed 6–16–76;8:45 am]